"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2010-2012."

छत्तीसगढ़ राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 6] रायपुर, शुक्रवार, दिनांक 10 फरवरी 2012—माघ 21, शक 1933

विषय—सूची

भाग १

राज्य शासन के आदेश

सामान्य प्रशासन विभाग
मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 20 जनवरी 2012

क्रमांक ई-1-2/2012/एक/2.—श्री डी. डी. सिंह, भा.प्र.से. (2000), संयुक्त सचिव, छत्तीसगढ़ शासन, पंचायत एवं ग्रामीण विकास विभाग को अस्थायी रूप से आगामी आदेश तक सचिव, लोक सेवा आयोग के पद पर पदस्थ किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
पी. जॉय उम्मेन, मुख्य सचिव.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2012.

आदिमजाति तथा अनुसूचित विकास विभाग
मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 25 जनवरी 2012

विषय :- नवगठित जिला सुकमा, कोण्डागांव, गरियाबंद, बलौदाबाजार, बालोद, बेमेतरा, मुंगेली, सूरजपुर, बलरामपुर हेतु पद संरचना निर्माण की स्वीकृति.

क्रमांक एफ 11-2/2011/25/1.—उपरोक्त विषयांतर्गत नवगठित जिला सुकमा, कोण्डागांव, गरियाबंद, बलौदाबाजार, बालोद, बेमेतरा, मुंगेली, सूरजपुर, बलरामपुर में जिला कार्यालय स्थापित करने एवं निम्नानुसार पद सृजन की स्वीकृति प्रदान की जाती है :—

क्र.	पदनाम	वेतनबैंड	प्रस्तावित पद संख्या	रिमार्क
(1)	(2)	(3)	(4)	(5)
1.	सहायक आयुक्त	15600-39100+6600	09	01 पद प्रति जिला
2.	क्षेत्र संयोजक	9300-34800+4300	09	01 पद प्रति जिला
3.	कनिष्ठ लेखा अधिकारी	5200-20200+2800	09	01 पद प्रति जिला
4.	सहायक ग्रेड-3	5200-20200+1900	18	02 पद प्रति जिला
5.	भृत्य	4750-7440+1300	09	01 पद प्रति जिला
		योग	**54**	

2. उक्त पदों पर होने वाले व्यय मांग संख्या-33-मुख्यशीर्ष-2225-अनुसूचित जाति, अनु. जनजातियों एवं अन्य पिछड़े वर्गों का कल्याण 02-अनुसूचित जनजातियों का कल्याण-001-निर्देशन एवं प्रशासन 1483-जिला प्रशासन आयोजनेत्तर के अंतर्गत विकलनीय होगा.

3. यह स्वीकृति वित्त विभाग के यू.ओ. क्रमांक 27/00002532/वित्त विभाग/ब-3/2012 दिनांक 24-01-2012 द्वारा प्रदान की गई है.

रायपुर, दिनांक 1 फरवरी 2012

क्रमांक/एफ-19-2/25-2/2012/आजावि.—राज्य शासन, एतद्द्वारा, छत्तीसगढ़ राज्य हज समिति नियम, 2002 के नियम 9 के द्वारा प्रदत्त शक्तियों का उपयोग करते हुए श्री सलीम राज, अध्यक्ष, छत्तीसगढ़ राज्य हज कमेटी, रायपुर के द्वारा नियम 16 के अंतर्गत समिति के अध्यक्ष एवं सदस्य पद से दिया गया त्यागपत्र, दिनांक 18-1-2012 से स्वीकार करता है.

रायपुर, दिनांक 1 फरवरी 2012

क्रमांक/एफ-19-2/25-2/2012/आजावि.—राज्य शासन, एतद्द्वारा, छत्तीसगढ़ राज्य हज समिति नियम, 2002 के नियम 14 (2) (2) के परंतुक के तहत दिनांक 18-1-2012 को आहूत समिति के विशेष अधिवेशन में बहुमत से पारित निर्णय अनुसार श्री मो. अकरम रिजवी, सदस्य, छत्तीसगढ़ राज्य हज समिति को नियम 18 (1) के तहत प्रदत्त शक्तियों का उपयोग करते हुए नियम 18 (2) के प्रावधानानुसार कार्यकाल की शेष अवधि के लिए छत्तीसगढ़ राज्य हज समिति का अध्यक्ष घोषित करता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अनिल चौधरी, उप-सचिव.

वित्त विभाग

मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 16 दिसम्बर 2011

क्रमांक एफ-1-4/2008/स्था./चार.—भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, छत्तीसगढ़ के राज्यपाल, एतद्द्वारा, छत्तीसगढ़ संस्थागत वित्त संचालनालय तृतीय श्रेणी सेवा में भर्ती के संबंध में निम्नलिखित नियम बनाते हैं, अर्थात् :—

नियम

1. **संक्षिप्त नाम तथा प्रारंभ.**— (1) ये नियम छत्तीसगढ़ संस्थागत वित्त संचालनालय (तृतीय श्रेणी) सेवा भर्ती नियम, 2011 कहलायेंगे ।

   (2) ये नियम राजपत्र में इसके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. **परिभाषाएं.**— इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो ;—

   (क) सेवा के संबंध में "नियुक्ति प्राधिकारी" से अभिप्रेत है, ऐसा प्राधिकारी जिसे सेवा/पदों में भर्ती के लिए शासन द्वारा नियुक्ति करने की शक्ति सौंपी गई हो या इसमें इसके पश्चात् सौंपी जाये;

   (ख) "चयन समिति" से अभिप्रेत है, इन नियमों के अधीन भर्ती या पदोन्नति के लिए नियुक्ति प्राधिकारी द्वारा गठित चयन समिति;

   (ग) "परीक्षा" से अभिप्रेत है, इन नियमों के नियम 11 के अधीन सेवा में भर्ती के लिए संचालित प्रतियोगी परीक्षा;

   (घ) "शासन" से अभिप्रेत है, छत्तीसगढ़ शासन;

   (ङ) "राज्यपाल" से अभिप्रेत है, छत्तीसगढ़ के राज्यपाल;

   (च) "अनुसूची" से अभिप्रेत है, इन नियमों से संलग्न अनुसूची;

   (छ) "अनुसूचित जाति" से अभिप्रेत है, भारत के संविधान के अनुच्छेद 341 के अधीन इस राज्य के संबंध में यथाविनिर्दिष्ट अनुसूचित जाति;

   (ज) "अनुसूचित जनजाति" से अभिप्रेत है, भारत के संविधान के अनुच्छेद 342 के अधीन इस राज्य के संबंध में यथाविनिर्दिष्ट अनुसूचित जनजाति;

   (झ) "अन्य पिछड़ा वर्ग" से अभिप्रेत है, राज्य सरकार द्वारा समय-समय पर यथासंशोधित अधिसूचना क्रमांक एफ-8-5/पच्चीस-4-84, दिनांक 26 दिसम्बर, 1984 द्वारा यथाविनिर्दिष्ट नागरिकों के अन्य पिछड़ा वर्ग;

   (ञ) "सेवा" से अभिप्रेत है, छत्तीसगढ़ संस्थागत वित्त संचालनालय तृतीय श्रेणी सेवा;

   (ट) "राज्य" से अभिप्रेत है, छत्तीसगढ़ राज्य।

3. **विस्तार तथा लागू होना.**— छत्तीसगढ़ सिविल सेवा (सेवा की सामान्य शर्तें) नियम, 1961 में अंतर्विष्ट उपबंधों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ये नियम सेवा के प्रत्येक सदस्य पर लागू होंगे।

4. **सेवा का गठन.**—सेवा में निम्नलिखित व्यक्ति समाविष्ट होंगे, अर्थात् :—

(1) वे व्यक्ति, जो इन नियमों के प्रारंभ होने के समय, अनुसूची-एक में विनिर्दिष्ट पदों को मूल या स्थानापन्न हैसियत से धारण कर रहे हों;

(2) वे व्यक्ति, जो इन नियमों के प्रारंभ होने के पूर्व सेवा में भर्ती किए गये हों; और

(3) वे व्यक्ति, जो इन नियमों के उपबंधों के अनुसार सेवा में भर्ती किए गए हों।

5. **वर्गीकरण, वेतनमान इत्यादि.**— सेवा का वर्गीकरण, सेवा में सम्मिलित पदों की संख्या और उससे संलग्न वेतनमान, अनुसूची-एक में अंतर्विष्ट उपबंधों के अनुसार होगी:

परन्तु सरकार, सेवा में सम्मिलित पदों की संख्या में, समय-समय पर या तो स्थायी या अस्थायी आधार पर वृद्धि या कमी कर सकेगी।

6. **भर्ती का तरीका.**— (1) इन नियमों के प्रारंभ होने के पश्चात् सेवा में भर्ती निम्नलिखित तरीकों में से किसी एक तरीके द्वारा की जाएगी, अर्थात् :—

(क) प्रतियोगी परीक्षा/चयन के माध्यम से सीधी भर्ती द्वारा;

(ख) सेवा के सदस्यों की पदोन्नति द्वारा जैसा कि अनुसूची-चार के कॉलम (2) में यथाविनिर्दिष्ट है;

(ग) ऐसे व्यक्तियों के स्थानांतरण/प्रतिनियुक्ति द्वारा, जो ऐसी सेवाओं में, ऐसे पदों को, मूल हैसियत में धारण करते हों, जैसा कि इस निमित्त विनिर्दिष्ट किया जाय।

(2) उप-नियम (1) के खण्ड (ख) एवं खण्ड (ग) के अधीन भर्ती किए गये व्यक्तियों की संख्या, अनुसूची-एक में यथाविनिर्दिष्ट कर्तव्य पदों की संख्या के, अनुसूची-दो में दर्शाए गए प्रतिशत से किसी भी समय अधिक नहीं होगी।

(3) इन नियमों के उपबंधों के अध्यधीन रहते हुए, भर्ती की किसी विशिष्ट कालावधि के दौरान भरे जाने के लिए अपेक्षित सेवा में किसी विशिष्ट रिक्ति या रिक्तियों को, भरे जाने के प्रयोजन के लिये अपनायी जाने वाली भर्ती का तरीका या तरीके तथा ऐसे प्रत्येक तरीके द्वारा भर्ती किये जाने वाले व्यक्तियों की संख्या प्रत्येक अवसर पर नियुक्ति प्राधिकारी द्वारा, शासन के परामर्श से अवधारित की जाएगी।

(4) उप-नियम (1) में अंतर्विष्ट किसी बात के होते हुए भी, यदि नियुक्ति प्राधिकारी की राय में सेवा की अत्यावश्यकताओं को देखते हुए ऐसा करना अपेक्षित हो, तो वह छत्तीसगढ़ शासन, सामान्य प्रशासन विभाग के अनुमोदन के पश्चात् सेवा में भर्ती के उन तरीकों को छोड़ जिनको उप-नियम (1) में विनिर्दिष्ट किया गया है, ऐसे तरीके अपना सकेगा, जिसे वह इस निमित्त जारी किए गये आदेश द्वारा विहित करे।

(5) सीधी भर्ती द्वारा पदों को भरे जाने के लिए मेरिट के आधार पर चयन के लिए मापदण्ड शासन द्वारा विनिर्दिष्ट किया जायेगा, तथापि, इस प्रयोजन के लिए, नियुक्ति प्राधिकारी द्वारा एक चयन समिति गठित किया जाना आवश्यक होगा, जो विहित मापदण्डों से भिन्न कोई अन्य युक्तिसंगत मापदंड शासन के पूर्व अनुमोदन (सहमति) से अपना सकेगा।

(6) भर्ती के समय, छत्तीसगढ़ लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिये आरक्षण) अधिनियम, 1994 (क्र. 21 सन् 1994) के प्रावधानों तथा सामान्य प्रशासन विभाग द्वारा समय–समय पर जारी निर्देश भी लागू होंगे।

7. **सेवा में नियुक्ति.**– इन नियमों के प्रारंभ होने के पश्चात् सेवा में समस्त नियुक्तियां, नियुक्ति प्राधिकारी द्वारा की जायेगी और ऐसी कोई भी नियुक्ति नियम–6 में विनिर्दिष्ट भर्ती के किसी एक तरीके द्वारा चयन करने के पश्चात् ही की जाएगी, अन्यथा नहीं।

8. **सीधी भर्ती के लिये पात्रता की शर्तें.**– परीक्षा में प्रतियोगिता के लिये पात्र होने के लिए अभ्यर्थी को निम्नलिखित शर्तें पूरी करनी होगी, अर्थात् :–

(1) **आयु**:– (क) परीक्षा/चयन के प्रारंभ की तारीख के ठीक आगामी जनवरी के प्रथम दिन को उसने अनुसूची–तीन के कॉलम (3) में यथाविनिर्दिष्ट आयु पूरी कर ली हो किन्तु उक्त अनुसूची के कॉलम (4) में यथाविनिर्दिष्ट आयु पूरी न की हो।

(ख) यदि अभ्यर्थी अनुसूचित जातियों, अनुसूचित जनजातियों या अन्य पिछड़े वर्गों का हो तो उच्चतर आयु सीमा में अधिकतम 5 (पॉच) वर्ष तक की छूट दी जायेगी।

(ग) छत्तीसगढ़ सिविल सेवा (महिलाओं की नियुक्ति के लिये विशेष उपबंध) नियम, 1997 के उपबंधों के अनुसार महिला अभ्यर्थियों के लिए उच्चतर आयु सीमा अधिकतम 10 (दस) वर्ष तक शिथिलनीय होगी।

(घ) उन अभ्यर्थियों के संबंध में जो छत्तीसगढ़ शासन के कर्मचारी हों अथवा रह चुके हों, नीचे विनिर्दिष्ट की गई सीमा तथा शर्तों के अध्यधीन रहते हुए, उच्चतर आयु सीमा में छूट दी जाएगी:–

(एक) ऐसा अभ्यर्थी, जो स्थायी/अस्थायी शासकीय सेवक हो, 38 वर्ष से अधिक आयु का नहीं होना चाहिये।

(दो) ऐसा अभ्यर्थी, जो अस्थायी रूप से पद धारण कर रहा हो तथा किसी अन्य पद के लिये आवेदन कर रहा हो, 38 वर्ष से अधिक आयु का नहीं होना चाहिए। यह रियायत, आकस्मिकता निधि से वेतन प्राप्त करने वाले कर्मचारियों एवं कार्यभारित कर्मचारियों को भी लागू होगी।

(तीन) ऐसा अभ्यर्थी, जो "छंटनी किया गया शासकीय सेवक" हो उसे अपनी आयु में से उसके द्वारा पूर्व में की गयी संपूर्ण स्थायी/अस्थायी सेवा की अधिक से अधिक 7 वर्ष तक की कालावधि, भले ही वह कालावधि एक से अधिक बार की गयी सेवाओं का योग हो, कम करने के लिये अनुज्ञात किया जाएगा, बशर्ते, इसके परिणामस्वरूप जो आयु निकले, वह अधिकतम आयु सीमा से तीन वर्ष से अधिक न हो।

स्पष्टीकरण– शब्द "छटनी किये गये शासकीय सेवक" से द्योतक है, ऐसा व्यक्ति जो इस राज्य की या किन्हीं भी संघटक इकाइयों की अस्थायी शासकीय सेवा में कम से कम छः मास की कालावधि तक निरंतर रहा हो और जिसे रोजगार कार्यालय में अपना पंजीयन कराने या शासकीय सेवा में नियोजन हेतु अन्यथा आवेदन करने की तारीख से अधिक से अधिक तीन वर्ष पूर्व स्थापना में कमी किये जाने के कारण सेवोन्मुक्त किया गया हो।

(ड.) ऐसा अभ्यर्थी, जो भूतपूर्व सैनिक हो, उसे अपनी आयु में से उसके द्वारा पूर्व में की गई समस्त प्रतिरक्षा सेवा की कालावधि कम करने के लिये अनुज्ञात किया जायेगा, बशर्ते इसके परिणामस्वरूप जो आयु निकले, वह उच्चतर आयु सीमा से तीन वर्ष से अधिक न हो।

स्पष्टीकरण :– शब्द "भूतपूर्व सैनिक" से द्योतक है, ऐसा व्यक्ति, जो निम्नलिखित प्रवर्गों में से किसी एक प्रवर्ग का हो तथा जो भारत सरकार के अधीन कम से कम छः माह की कालावधि तक निरंतर नियोजित रहा हो तथा जिसे रोजगार कार्यालय में अपना नाम पंजीयन कराने अथवा शासकीय सेवा में नियोजन हेतु अन्यथां आवेदन करने की तारीख से अधिक से अधिक तीन वर्ष पूर्व मितव्ययिता इकाई की सिफारिशों के परिणामस्वरूप अथवा स्थापना में सामान्य रूप से कमी किये जाने के कारण छंटनी किया गया हो अथवा जिसे अतिशेष (सरप्लस) घोषित किया गया हो।

(एक) ऐसे "भूतपूर्व सैनिक" जिन्हें समय पूर्व सेवानिवृत्ति रियायतों (मस्टरिंग आऊट कन्सेशन) के अधीन मुक्त कर दिया गया हो;

(दो) ऐसे "भूतपूर्व सैनिक" जिन्हें दुबारा नामांकित किया गया हो, और जिन्हें–

(क) अल्पकालीन वचनबंध अवधि पूर्ण हो जाने पर;

(ख) नामांकन की शर्तें पूर्ण हो जाने पर, सेवोन्मुक्त कर दिया गया हो।

(तीन) ऐसे "भूतपूर्व सैनिक" (सैनिक तथा असैनिक) जिन्हें उनकी संविदा पूरी होने पर सेवोन्मुक्त किया गया हो, (जिनमें अल्पावधि सेवा के नियमित कमीशन प्राप्त अधिकारी भी शामिल हैं);

(चार) ऐसे "भूतपूर्व सैनिक" जिन्हें अवकाश रिक्तियों पर छः मास से अधिक समय तक निरंतर कार्य करने के पश्चात् सेवोन्मुक्त किया गया हो;

(पांच) ऐसे "भूतपूर्व सैनिक" जिन्हें अशक्त होने के कारण सेवा से अलग किया गया हो;

(छः) ऐसे "भूतपूर्व सैनिक" जिन्हें इस आधार पर सेवोन्मुक्त किया गया हो कि वे दक्ष सैनिक बनने योग्य नहीं हैं;

(सात) ऐसे "भूतपूर्व सैनिक" जिनको गोली लग जाने, घाव आदि हो जाने के कारण चिकित्सीय आधार पर सेवा से अलग कर दिया गया हो;

(च) परिवार कल्याण कार्यक्रम के अधीन ग्रीन कार्ड धारक अभ्यर्थियों के संबंध में, उच्चतर आयु सीमा 2 (दो) वर्ष तक शिथिलनीय होगी।

(छ) अनुसूचित जातियों, अनुसूचित जनजातियों एवं अन्य पिछड़ा वर्ग कल्याण विभाग की अन्तर्जातीय विवाह प्रोत्साहन योजना के अधीन पुरस्कृत दम्पत्तियों के उच्च जाति के सवर्ण पति/पत्नी के संबंध में उच्चतर आयु सीमा 5 (पाँच) वर्ष तक शिथिलनीय होगी।

(ज) शहीद राजीव पांडे पुरस्कार, गुण्डाधूर सम्मान, महाराजा प्रवीरचंद्र भंजदेव सम्मान तथा राष्ट्रीय युवा पुरस्कार प्राप्त अभ्यर्थियों के संबंध में भी सामान्य उच्चतर आयु सीमा 5 (पाँच) वर्ष तक शिथिलनीय होगी।

(झ) ऐसे अभ्यर्थियों के संबंध में जो छत्तीसगढ़ राज्य निगम/मण्डल के कर्मचारी हैं, उच्चतर आयु सीमा अधिकतम 38 वर्ष की आयु तक शिथिलनीय होगी।

(ञ) स्वयं सेवी नगर सैनिकों तथा नगर सेना के नान कमीशंड अधिकारियों के संबंध में, उनके द्वारा इस प्रकार की गई सेवा की कालावधि के लिये, उच्चतर आयु सीमा में, 8 (आठ) वर्ष की सीमा के अध्यधीन रहते हुए छूट दी जायेगी, किन्तु किसी भी दशा में उनकी आयु 38 वर्ष से अधिक नहीं होनी चाहिए।

टीप– (एक) ऐसे अभ्यर्थी जिन्हें उपरोक्त नियम के खण्ड (घ) (एक) तथा (दो) में उल्लिखित आयु संबंधी रियायतों के अधीन चयन हेतु पात्र पाया गया हो, वे यदि आवेदन प्रस्तुत करने के पश्चात् या तो परीक्षा/चयन के पूर्व या उसके पश्चात् सेवा से त्यागपत्र दे देते हैं, तो नियुक्ति हेतु पात्र नहीं होंगे। तथापि, यदि आवेदन पत्र भेजने के पश्चात् सेवा या पद से उनकी छंटनी कर दी जाती हो तो वे पात्र बने रहेंगे।

(दो) किसी भी अन्य मामले में आयु सीमाएं शिथिल नहीं की जायेगी। विभागीय अभ्यर्थियों को चयन के लिए उपस्थित होने के लिए, उनको नियुक्ति प्राधिकारी की पूर्व अनुमति अभिप्राप्त करनी होगी।

(ट) आयु सीमा के संबंध में, सामान्य प्रशासन विभाग द्वारा समय–समय पर जारी निर्देश भी लागू होंगे।

(ठ) किसी भी मामले में उपरोक्त उल्लिखित किसी एक या अधिक प्रवर्गों के आधार पर आयु में छूट दिए जाने के उपरांत, शासकीय सेवा हेतु पात्र होने के लिए अधिकतम आयु 45 वर्ष से अधिक नहीं होगी।

(2) **शैक्षणिक अर्हताएं.**– अभ्यर्थी के पास सेवा के लिये विहित ऐसी शैक्षणिक अर्हताएं होनी चाहिए, जैसा कि अनुसूची–तीन में दर्शाई गई हैं।

(3) **फीस.**– अभ्यर्थी को शासन द्वारा विहित फीस का भुगतान करना होगा।

9. **निरर्हता.**– अभ्यर्थी की ओर से अपनी अभ्यर्थिता के लिए किन्हीं भी साधनों से समर्थन अभिप्राप्त करने के किसी भी प्रयास को, नियुक्ति प्राधिकारी द्वारा परीक्षा/चयन में उपस्थित होने के लिये उसे निरर्हित माना जा सकेगा।

10. **अभ्यर्थियों की पात्रता के संबंध में नियुक्ति प्राधिकारी का विनिश्चय अंतिम होगा.**– प्रवेश/चयन में उपस्थित होने के लिए अभ्यर्थी की पात्रता या अन्यथा के संबंध में, नियुक्ति प्राधिकारी का विनिश्चय अंतिम होगा और कोई भी अभ्यर्थी जिसे नियुक्ति प्राधिकारी द्वारा प्रवेश प्रमाणपत्र जारी नहीं किया गया है, समिति द्वारा परीक्षा/साक्षात्कार में प्रवेश नहीं दिया जाएगा।

11. **प्रतियोगिता परीक्षा/चयन द्वारा सीधी भर्ती.**–नियुक्ति प्राधिकारी एक चयन समिति गठित करेगा जिसमें तीन सदस्य समाविष्ट होंगे।

(1) **प्रतियोगी परीक्षा द्वारा सीधी भर्ती**– (एक) सेवा में भर्ती के लिये प्रतियोगी परीक्षा, ऐसे अंतरालों से ली जायेगी, जैसा कि नियुक्ति प्राधिकारी शासन के परामर्श से समय–समय पर अवधारित करे।

(दो) परीक्षा, शासन द्वारा समय–समय पर जारी किए गए आदेशों के अनुसार नियुक्ति प्राधिकारी द्वारा ली जायेगी।

(2) **चयन द्वारा सीधी भर्ती**– (एक) सेवा में सीधी भर्ती के लिए चयन, ऐसे अंतरालों से किया जायेगा जैसा कि नियुक्ति प्राधिकारी समय–समय पर अवधारित करे।

(दो) सेवा में अभ्यर्थियों का चयन, चयन समिति द्वारा उनके साक्षात्कार के आधार पर किया जायेगा, तथा

(तीन) चयन समिति, नियुक्ति प्राधिकारी द्वारा समय–समय पर गठित की जायेगी।

(3) अनुसूचित जातियों, अनुसूचित जनजातियों एवं अन्य पिछड़े वर्गों से संबंधित व्यक्तियों के लिये, सीधी भर्ती के प्रक्रम में पदों को, छत्तीसगढ़ लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिये आरक्षण) अधिनियम, 1994 (क्र. 21 सन् 1994) में अंतर्विष्ट उपबंधों तथा शासन द्वारा समय–समय पर जारी आदेशों के अनुसार आरक्षित रखा जाएगा।

(4) इस प्रकार आरक्षित रिक्तियों को भरते समय, उन अभ्यर्थियों की जो अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के सदस्य हैं, उप–नियम (3) के अधीन, आरक्षित रिक्तियों पर नियुक्ति के लिए विचार किया जायेगा।

(5) इस प्रकार आरक्षित रिक्तियों को भरते समय, उन अभ्यर्थियों की जो अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के सदस्य हैं, नियुक्ति के लिए उसी क्रम में विचार किया जायेगा, जिस क्रम में उनके नाम नियम–12 में निर्दिष्ट सूची में आए हों, चाहे अन्य अभ्यर्थियों की तुलना में उनका सापेक्षिक रैंक कुछ भी क्यों न हो।

(6) छत्तीसगढ़ लोक सेवा (महिलाओं की नियुक्ति के लिए विशेष उपबंध) नियम, 1997 के उपबंधों के अनुसार, पदों को महिला अभ्यर्थियों के लिये भी आरक्षित रखा जाएगा।

(7) ऐसे मामलों में जहां सीधी भर्ती द्वारा भरे जाने वाले पदों के लिये कुछ कालावधि का अनुभव आवश्यक शर्त के रूप में विहित किया गया है और सक्षम प्राधिकारी की राय में यह पाया जाये कि अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों से संबंधित अभ्यर्थियों की पर्याप्त संख्या में उपलब्ध होने की संभावना नहीं है, तो सक्षम प्राधिकारी, अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के अभ्यर्थियों के संबंध में अनुभव की शर्त को शिथिल कर सकेगा।

(8) शारीरिक रूप से विकलांग व्यक्तियों के लिये सामान्य प्रशासन विभाग द्वारा जारी निर्देश के अनुसार आरक्षण रहेगा।

12. **चयन समिति द्वारा सिफारिश किये गये अभ्यर्थियों की सूची.**–(1) नियुक्ति प्राधिकारी, उन अभ्यर्थियों की योग्यता क्रम में व्यवस्थित एक सूची जो ऐसे स्तर से अर्हित हों, जैसा कि चयन समिति अवधारित करे तथा अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों से संबंधित उन अभ्यर्थियों की सूची, जो यद्यपि उस स्तर से अर्हित नहीं है, किन्तु प्रशासन में दक्षता बनाये रखने का सम्यक् ध्यान रखते हुए, सेवा में नियुक्ति के लिये चयन समिति द्वारा उपयुक्त घोषित किया गया हो, तैयार करेगा। यह सूची, सर्वसाधारण की जानकारी के लिये भी प्रकाशित की जायेगी।

(2) इन नियमों तथा छत्तीसगढ़ सिविल सेवा (सेवा की सामान्य शर्तें) नियम, 1961 के उपबंधों के अध्यधीन रहते हुए, उपलब्ध रिक्तियों पर अभ्यर्थियों की नियुक्ति के लिये उसी क्रम में विचार किया जाएगा जिस क्रम में उनके नाम सूची में आये हों।

(3) सूची में अभ्यर्थियों का नाम शामिल किये जाने से ही उसे नियुक्ति के लिये कोई अधिकार तब तक प्राप्त नहीं होता, जब तक कि नियुक्ति प्राधिकारी का ऐसी जांच करने के पश्चात् जैसी कि वह आवश्यक समझे, यह समाधान न हो जाये कि अभ्यर्थी सेवा में नियुक्ति के लिये सभी प्रकार से उपयुक्त है।

13. **पदोन्नति द्वारा नियुक्ति.**— (1) पात्र अम्यर्थियों की पदोन्नति हेतु प्रारंभिक चयन करने के लिये एक समिति गठित की जायेगी। समिति के गठन के लिये, छत्तीसगढ़ लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिये आरक्षण) अधिनियम, 1994 (क्र. 21 सन् 1994) की धारा 8 के उपबंधों का अनुसरण किया जायेगा।
(2) समिति की बैठक ऐसे अंतरालों में होगी जो साधारणतः एक वर्ष से अधिक की न हो।
(3) छत्तीसगढ़ लोक सेवा (पदोन्नति) नियम, 2003 के उपबंधों के अनुसार पदोन्नति दी जायेगी।
(4) आरक्षित रिक्तियों में पदोन्नति करने हेतु प्रक्रिया, उप—नियम (3) एवं शासन के सामान्य प्रशासन विभाग द्वारा समय—समय पर जारी निर्देशों के अनुसार होगी।

14. **पदोन्नति/स्थानांतरण के लिये पात्रता की शर्तें.**— (1) उप—नियम (2) के उपबंधों के अध्यधीन रहते हुए, समिति उन समस्त व्यक्तियों के मामलों पर विचार करेगी, जिन्होंने उस वर्ष की जनवरी के प्रथम दिन को, उन पदों में या शासन द्वारा उनके समतुल्य घोषित किन्हीं अन्य पद या पदों पर (चाहे मूल रूप में या स्थानापन्न रूप में) उतने वर्षों की सेवा, जैसा कि अनुसूची—चार के कॉलम (4) में विनिर्दिष्ट है, पूर्ण कर ली हो और उप—नियम (2) के उपबंधों के अनुसार विचारण क्षेत्र के भीतर आते हों।

स्पष्टीकरण— पदोन्नति के लिये पात्रता हेतु संगणना की रीति :— (1) संबंधित वर्ष जिसमें विभागीय पदोन्नति समिति/छानबीन समिति आहूत की जाती है, की प्रथम जनवरी को अर्हकारी सेवा की अवधि की गणना, उस कैलेण्डर वर्ष से की जायेगी, जिसमें लोक सेवक फीडर संवर्ग/सेवा के भाग/पद के वेतनमान में आया हो और फीडर संवर्ग/सेवा के भाग/पद के वेतनमान में आने की तारीख से नहीं।
(2) छत्तीसगढ़ लोक सेवा (पदोन्नति) नियम, 2003 के उपबंध, पदोन्नति के विषय में लागू होंगे।
(3) शासन द्वारा विहित आरक्षण रोस्टर के अनुसार पदोन्नति दी जायेगी।

15. **उपयुक्त अभ्यर्थियों की सूची का तैयार किया जाना.**— (1) समिति, ऐसे व्यक्तियों की एक सूची तैयार करेगी जो उपर्युक्त नियम 14 में विहित शर्तों को पूरी करते हों तथा जिन्हें समिति द्वारा सेवा में पदोन्नति/स्थानान्तरण के लिये उपयुक्त समझा गया हो। यह सूची, चयन सूची तैयार किये जाने की तारीख से एक वर्ष के दौरान सेवानिवृत्ति एवं पदोन्नति के कारण होने वाली प्रत्याशित रिक्तियों को भरने के लिये पर्याप्त होगी।

(2) पदोन्नति के लिए चयन सूची का तैयार किया जाना पूर्ण रूप से ज्येष्ठता–सह–उपयुक्तता पर आधारित होगा।

(3) छत्तीसगढ़ सिविल सेवा (सेवा की सामान्य शर्तें) नियम, 1961 के अनुसार चयन सूची की तैयारी के समय, सूची में सम्मिलित कर्मचारियों के नाम, अनुसूची–चार के कॉलम–(2) में यथाविनिर्दिष्ट सेवा या पदों में वरिष्ठता के क्रम में रखे जायेंगे।

स्पष्टीकरण– ऐसा व्यक्ति, जिसका नाम चयन सूची में शामिल किया गया हो किन्तु जिसे सूची की विधिमान्यता के दौरान पदोन्नत नहीं किया गया हो, केवल उसके पूर्वोत्तर चयन के तथ्य से ही उन व्यक्तियों के ऊपर जिन पर पश्चात्वर्ती चयन में विचार किया गया है, ज्येष्ठता का कोई दावा नहीं होगा।

16. **चयन सूची**.– (1) नियुक्ति प्राधिकारी द्वारा अंतिम रूप से अनुमोदित सूची, अनुसूची–चार के कॉलम–(2) में उल्लिखित पदों से, अनुसूची–चार के कॉलम (3) में उल्लिखित पदों पर, सेवा के सदस्यों की पदोन्नति के लिये चयन सूची होगी।

(2) पदोन्नति के लिये चयन सूची, सामान्यतः इसके तैयार किये जाने की तारीख से एक वर्ष के लिये विधिमान्य रहेगी:

परन्तु चयन सूची में सम्मिलित किसी व्यक्ति की ओर से कर्तव्य के निर्वहन अथवा पालन में गंभीर चूक होने की स्थिति में, शासन के कहने पर, चयन सूची का विशेष रूप से पुनर्विलोकन किया जा सकेगा और यदि वह उचित समझे तो चयन सूची से ऐसे व्यक्ति का नाम हटा सकेगा।

17. **चयन सूची से सेवा में नियुक्ति**.– (1) चयन सूची में सम्मिलित व्यक्तियों की सेवा संवर्ग के पदों पर नियुक्तियां, उसी क्रम में की जायेगी, जिस क्रम में उनके नाम छत्तीसगढ़ लोक सेवा (पदोन्नति) नियम, 2003 के प्रावधानों के अनुसार सूची में आये हों।

(2) साधारणतः उस व्यक्ति की जिसका नाम चयन सूची में सम्मिलित हो, सेवा में नियुक्ति के पूर्व समिति से परामर्श करना तब तक आवश्यक नहीं होगा जब तक कि चयन सूची में उसका नाम शामिल किये जाने तथा प्रस्तावित नियुक्ति की तारीख के बीच की कालावधि के दौरान उसके कार्य में ऐसी कोई गिरावट न आ जाये, जो नियुक्ति प्राधिकारी की राय में, सेवा में नियुक्ति के लिये उसे अनुपयुक्त सिद्ध करता हो।

18. **परिवीक्षा**.– सेवा में सीधी भर्ती से नियुक्त/पदोन्नत किया गया प्रत्येक व्यक्ति, दो वर्ष की कालावधि के लिये परिवीक्षा पर नियुक्त किया जायेगा।

19. **निर्वचन**.– यदि इन नियमों के निर्वचन के संबंध में कोई प्रश्न उद्भूत हो, तो उसे शासन को निर्दिष्ट किया जाएगा, जिस पर उसका विनिश्चय अंतिम होगा।

20. **शिथिलीकरण.**—इन नियमों में दी गई किसी भी बात का यह अर्थ नहीं लगाया जायेगा कि वह ऐसे व्यक्ति के मामले में, जिस पर ये नियम लागू होते हैं, ऐसी रीति से कार्यवाही करने की राज्यपाल की शक्ति को, जो उसे उचित एवं साम्यपूर्ण प्रतीत हो, सीमित या कम करती है:

परंतु कोई मामला ऐसी रीति से नहीं निपटाया जाएगा जो इन नियमों में उपबंधित रीति की अपेक्षा उसके लिये कम अनुकूल हो।

21. **व्यावृत्ति.**— इन नियमों में दी गई कोई भी बात, अनुसूचित जातियों, अनुसूचित जनजातियों तथा अन्य पिछड़े वर्गों के लिये, राज्य शासन द्वारा समय-समय पर इस संबंध में जारी किये गये निर्देशों/आदेशों के अनुसार दिये जाने वाले अपेक्षित आरक्षण, शिथिलीकरण तथा अन्य रियायतों को प्रभावित नहीं करेगी।

22. **निरसन तथा व्यावृत्ति.**— इन नियमों के तत्स्थानी और इन नियमों के प्रारंभ होने के ठीक पूर्व प्रवृत्त समस्त नियम, इन नियमों के अंतर्गत आने वाले विषयों के संबंध में एतद्द्वारा निरसित किये जाते हैं:

परंतु इस प्रकार निरसित नियमों के अधीन दिया गया कोई भी आदेश या की गई कार्रवाई, इन नियमों के तत्स्थानी उपबंधों के अधीन दिया गया आदेश या की गई कार्रवाई समझी जायेगी।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अजय सिंह, प्रमुख सचिव.

अनुसूची-एक
(नियम 5 देखिये)

सेवा का वर्गीकरण, वेतनमान तथा सेवा में सम्मिलित पदों की संख्या

क्र. स.	सेवा में सम्मिलित पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	ग्रेड वेतन
(1)	(2)	(3)	(4)	(5)	(6)
1.	सहायक सांख्यिकी अधिकारी	01	कार्यपालिक तृतीय श्रेणी	9300-34800	4300
2.	शीघ्रलेखक (ग्रेड-II)	01	अनुसचिवीय तृतीय श्रेणी	9300-34800	4300
3.	शीघ्रलेखक (ग्रेड-III)	01	अनुसचिवीय तृतीय श्रेणी	5200-20200	2800
4.	सहायक ग्रेड-II/लेखापाल	01	अनुसचिवीय तृतीय श्रेणी	5200-20200	2400
5.	डाटा एन्ट्री आपरेटर	01	अनुसचिवीय तृतीय श्रेणी	5200-20200	2400
6.	सहायक ग्रेड-III	02	अनुसचिवीय तृतीय श्रेणी	5200-20200	1900
7.	वाहन चालक	01	अलिपिकीय तृतीय श्रेणी	5200-20200	1900

अनुसूची–दो
(नियम 6 देखिये)

विभाग का नाम	सेवा का नाम	पदों की संख्या	भरे जाने वाले पदों की संख्या का प्रतिशत		
			सीधी भर्ती द्वारा नियम–6(क) तथा (ख) देखिये	सेवा के सदस्यों की पदोन्नति द्वारा नियम–6(ग) देखिये	अन्य सेवाओं से व्यक्ति के स्थानान्तरण द्वारा नियम–6(ग) देखिये
(1)	(2)	(3)	(4)	(5)	(6)
संचालनालय संस्थागत वित्त	छत्तीसगढ़ संस्थागत वित्त संचालनालय (तृतीय श्रेणी सेवा)				
सहायक सांख्यिकी अधिकारी	–तदैव–	01	100%	–	–
शीघ्रलेखक (ग्रेड–II)	–तदैव–	01	–	100%	–
शीघ्रलेखक (ग्रेड–III)	–तदैव–	01	100%	–	–
सहायक ग्रेड–I/लेखापाल	–तदैव–	01	–	100%	–
डाटा एन्ट्री ऑपरेटर	–तदैव–	01	100%	–	–
सहायक ग्रेड–III	–तदैव–	02	75%	25%	–
वाहन चालक	–तदैव–	01	100%	–	–

अनुसूचा–तान
(नियम–8 देखिये)

विभाग का नाम	सेवा का नाम	न्यूनतम आयु सीमा	अधिकतम आयु सीमा	विहित शैक्षणिक अर्हता	विभागीय चयन समिति के सदस्य
(1)	(2)	(3)	(4)	(5)	(6)
संस्थागत वित्त संचालनालय छत्तीसगढ़	छत्तीसगढ़ संस्थागत वित्त संचालनालय (तृतीय श्रेणी सेवा)				
सहायक सांख्यिकी अधिकारी	–तदैव–	18 वर्ष	30 वर्ष (छ.ग. के स्थायी निवासी के लिए 35 वर्ष)	<u>अनिवार्य योग्यता</u>– किसी मान्यता प्राप्त संस्था से अर्थशास्त्र, सांख्यिकी, वाणिज्य, गणित अथवा एम.सी.ए. में किसी एक विषय में द्वितीय श्रेणी से स्नातकोत्तर डिग्री उत्तीर्ण।	1. अपर संचालक– अध्यक्ष 2. संयुक्त संचालक– सदस्य 3. वित्त विभाग के चयनित सदस्य
शीघ्रलेखक (ग्रेड–III)	–तदैव–	18 वर्ष	30 वर्ष (छ.ग. के स्थायी निवासी के लिए 35 वर्ष)	1. किसी मान्यता प्राप्त मण्डल/विश्वविद्यालय से हायर सेकण्डरी परीक्षा (10+2) या स्नातक प्रथम वर्ष की परीक्षा उत्तीर्ण होना चाहिये। 2. किसी मान्यता प्राप्त मण्डल/संस्था या शीघ्र लेखन तथा मुद्रलेखन परीक्षा मण्डल से हिन्दी/अंग्रेजी शीघ्रलेखन की परीक्षा 100 शब्द प्रति मिनट की गति से उत्तीर्ण तथा 25 शब्द प्रति मिनट की गति से हिन्दी एवं 30 शब्द प्रति मिनट की गति से अंग्रेजी मुद्रलेखन परीक्षा उत्तीर्ण होना चाहिये। 3. किसी मान्यता प्राप्त संस्था से डाटा एन्ट्री ऑपरेटर/प्रोग्रामिंग में एक वर्षीय डिप्लोमा तथा 10,000 (Key) डिप्रेशन प्रतिघंटे की गति होनी चाहिए।	1.अपर संचालक – अध्यक्ष 2. सयुक्त संचालक– सदस्य 3.प्रोग्रामर सह सिस्टम एडमिनिस्ट्रेटर– सदस्य
डाटा एन्ट्री ऑपरेटर	–तदैव–	18 वर्ष	30 वर्ष (छ.ग. के स्थायी निवासी के लिए 35 वर्ष)	1. किसी मण्डल से कक्षा 12वीं (10+2) अथवा कक्षा 10वीं उत्तीर्ण होना चाहिये एवं किसी भी विषय में त्रिवर्षीय डिप्लोमा उत्तीर्ण होना चाहिये।	1.अपर संचालक – अध्यक्ष 2. संयुक्त संचालक– सदस्य 3.प्रोग्रामर सह सिस्टम एडमिनिस्ट्रेटर– सदस्य

		—		2. डाटा एन्ट्री ऑपरेटर/प्रोग्रामिंग में किसी मान्यता प्राप्त संस्था से एक वर्षीय डिप्लोमा एवं कम्प्यूटर में हिन्दी एवं अंग्रेजी में 8,000 (Key) डिप्रेशन प्रतिघंटे की गति होनी चाहिए।	
सहायक ग्रेड– III	–तदैव–	18 वर्ष	30 वर्ष (छ.ग. के स्थायी निवासी के लिए 35 वर्ष)	1. किसी मान्यता प्राप्त मण्डल/विश्वविद्यालय से हायर सेकण्डरी परीक्षा (10+2) उत्तीर्ण या स्नातक प्रथम वर्ष की परीक्षा उत्तीर्ण होना चाहिये। 2. मान्यता प्राप्त मण्डल/संस्था से 25 शब्द प्रति मिनट की गति से हिन्दी मुद्रलेखन परीक्षा उत्तीर्ण होना चाहिये। 3. किसी मान्यता प्राप्त संस्था से डाटाएन्ट्री ऑपरेटर/प्रोग्रामिंग में एक वर्षीय डिप्लोमा तथा 5,000 की (Key) डिप्रेशन प्रतिघंटे की गति होनी चाहिए।	1. अपर संचालक – अध्यक्ष 2. संयुक्त संचालक– सदस्य 3. प्रोग्रामर सह सिस्टम एडमिनिस्ट्रेटर– सदस्य
वाहन चालक	–तदैव–	18 वर्ष	30 वर्ष (छ.ग. के स्थायी निवासी के लिए 35 वर्ष)	8 वीं कक्षा उत्तीर्ण तथा वैध ड्राईविंग लायसेंस होना चाहिये।	1.अपर संचालक – अध्यक्ष 2. संयुक्त संचालक– सदस्य 3. प्रोग्रामर सह सिस्टम एडमिनिस्ट्रेटर– सदस्य

अनुसूची–चार
(नियम–13 देखिये)

विभाग का नाम	पद का नाम जिससे पदोन्नति की जानी है	पद का नाम जिस पर पदोन्नति की जानी है	पदोन्नति के लिये सेवा अनुभव	विभागीय पदोन्नति समिति के सदस्यों के नाम
(1)	(2)	(3)	(4)	(5)
संचालनालय संस्थागत वित्त, छत्तीसगढ़	1. शीघ्रलेखक ग्रेड–III	शीघ्रलेखक ग्रेड–II	5 वर्ष	1. अपर संचालक – अध्यक्ष 2. संयुक्त संचालक – सदस्य 3. प्रोग्रामर सह सिस्टम एडमिनिस्ट्रेटर – सदस्य
	2. सहायक ग्रेड–III	सहायक ग्रेड–II सह लेखापाल	5 वर्ष	1. अपर संचालक – अध्यक्ष 2. संयुक्त संचालक – सदस्य 3. प्रोग्रामर सह सिस्टम एडमिनिस्ट्रेटर – सदस्य
	3. भृत्य	सहायक ग्रेड–III	5 वर्ष	1. अपर संचालक – अध्यक्ष 2. संयुक्त संचालक – सदस्य 3. प्रोग्रामर सह सिस्टम एडमिनिस्ट्रेटर – सदस्य

नोटः– उपरोक्त किसी भी पद के रिक्त होने की स्थिति में, प्रभारी को नियुक्ति की शक्ति होगी जो कि उसके लिए उपयुक्त प्रतिस्थापन करेगा।

Raipur, the 16th December 2011

No. F-1-4/2008/ESST/IV.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Chhattisgarh hereby makes the following rules relating to the recruitment to the Chhattisgarh Directorate of Institutional Finance Class-III Service, namely :—

RULES

1. **Short title and commencement.-** (1) These rules may be called the Chhattisgarh Directorate of Institutional Finance (Class-III) Service Recruitment Rules, 2011.

   (2) It shall come into force from the date of its publication in the Official Gazette.

2. **Definitions.-** In these rules, unless the context otherwise requires;-

   (a) **"Appointing Authority"** in respect of the service means such authority to whom powers of appointment has been or hereinafter may be assigned by the Government for recruitment in the service/post;
   (b) **"Selection Committee"** means selection committee, constituted by the Appointing Authority for recruitment or promotion under these rule;
   (c) **"Examination"** means competitive examination held for recruitment in the service under rule 11 of these Rule;
   (d) **"Government"** means the Government of Chhattisgarh;
   (e) **"Governor"** means the Governor of Chhattisgarh;
   (f) **"Schedule"** means the schedule appended to these rules;
   (g) **"Scheduled Castes"** means the Scheduled Castes as specified in relation to this State under Article 341 of the Constitution of India;
   (h) **"Scheduled Tribes"** means the Scheduled Tribes as specified in relation to this State under Article 342 of the Constitution of India;
   (i) **"Other Backward Classes"** means Other Backward Classes of citizens as specified by the State Government, vide notification No. F-8-5 XXV-4-84, dated 26th December, 1984 as amended from time to time;
   (j) **"Service"** means the Chhattisgarh Directorate of Institutional Finance Class-III Service;
   (k) **"State"** means the State of Chhattisgarh.

3. **Scope and Application.-** Without prejudice to the generality of the provisions contained in the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961, these rules shall apply to every member of the Service.

4. **Constitution of the service.-** The Service shall consist of the following persons, namely :-

   (i) Persons who at the commencement, of these rules are holding substantively or in an officiating capacity, the posts specified in Schedule-I;

(ii) Person recruited to the Service before the commencement of these rules; and

(iii) Person recruited to the Service in accordance with the provisions of these rules.

5. **Classification, scale of pay etc..-** The classification of the Service, number of posts included in the Service and the scale of pay attached thereto shall be in accordance with the provisions contained in Schedule-I:

Provided that the Government may, from time to time, add to or reduce the number of posts included in the Service either on a permanent or temporary basis.

6. **Method of Recruitment.-** (1) Recruitment to the Service, after the commencement of these rules, shall be by any of the following methods, namely:-

(a) By direct recruitment through competitive examination/ selection.
(b) By promotion of the members of the Service; as specified in Column (2) of Schedule-IV.
(c) By transfer/deputation of persons, who hold, in a substantive capacity, such posts in such services, as may be specified in this behalf.

(2) The number of persons to be recruited under clause (b) and (c) of sub-rule (1) shall not at any time exceed the percentage shown in Schedule-II of the number of duty posts as specified in Schedule-I.

(3) Subject to the provisions of these rules, the method or methods of recruitment to be adopted for the purpose of filling any particular vacancy or vacancies in the service as may be required to be filled during any particular period of recruitment and the number of persons to be recruited by each method, shall be determined on each occasion by the Appointing Authority in consultation with the Government.

(4) Notwithstanding anything contained in sub-rule (1), if in the opinion of the Appointing Authority, the exigencies of the service so require, he may, after approval of the Government of Chhattisgarh, General Administration Department, adopt such methods of recruitment to the service other than those specified in the sub-rule (1), as it may, by an order issued in this behalf, prescribe.

(5) For the posts to be filled up by direct recruitment Government may specify norms for selection on the merit basis, however, it will be mandatory on the Appointing Authority to constitute a selection committee for this purpose which may adopt any other appropriate norms, different from the prescribed norms with prior approval of Government.

(6) At the time of recruitment, the provisions of Chhattis arh Public Service (Scheduled Castes, Scheduled Tribes and Othe Backward Classes Reservation) Act, 1994 (No.21 of 1994) and t direction issued by General Administration Department from t e to time s. also be applicable.

7. [1] **Appointment to the Service.-** All appointments to the service after the commencement of these rules shall be made by the Appointing Authority and no such appointment shall be made except after selection by one of the methods of recruitment specified in rule-6.

8. **Conditions of eligibility for direct recruitment.-** In order to be eligible to compete in the examination, a candidate must satisfy the following conditions, namely :-

(1) Age :- (a) He must have attained the age as specified in column (3) of Schedule-III, but must not have attained the age as specified in column (4) of said Schedule on the first day of January next following the date of commencement of the examination/selection.

(b) The upper age limit shall be relaxable upto a maximum of 5 (five) years if a candidate belongs to a Scheduled Castes, Scheduled Tribes and Other Backward Classes.

(c) The upper age limit shall be relaxable upto a maximum of 10 (Ten) years to a woman candidates as per the provision of the Chhattisgarh Civil Services (Special Provisions for Appointment of Women) Rules, 1997.

(d) The upper age limit shall also be relaxable in respect of candidates who are or have been employees of the Chhattisgarh Government to the extent and subject to the conditions specified below:-

(i) A candidate who is a permanent/temporary Government servant should not be more than 38 years of age.
(ii) A candidate holding a post temporarily and applying for any other post should not be more than 38 years of age. This concession shall also be applicable to the contingency paid employees and work-charged employees.
(iii) A candidate who is "retrenched Government Servant" shall be allowed to deduct from his age the period of all permanent/temporary service previously rendered by him up to a maximum limit of 7 years even if it represents more than one spell provided that the resultant age does not exceed the upper age limit by more than three years.

Explanation- The term "retrenched Government Servant" denotes a person who was in temporary Government service of this State or of any of the constituent units, for a continuous period of not less than six months and who was discharged because of reduction in establishment or not more than three years prior to the prescribed date of his registration at the employment exchange or of the date of application made otherwise for employment in Government service.

(e) A candidate who is an ex-serviceman shall be allowed to deduct from his age the period of all defense service previously rendered by him, provided that the resultant age does not exceed the upper age limit by more than three years.

Explanation- The term "Ex-serviceman" denotes a person who belongs to any of the following categories and who was employed under the Government of India for a continuous period of not less than six months and who was retrenched or declared surplus as a result of the recommendation of the economy unit or due to normal reduction in establishment not more than three years before the date of his registration at any employment exchange or of application made otherwise for employment in Government service.

(i) "Ex-serviceman" released under mustering out-concessions;

(ii) "Ex-serviceman" enrolled for the second time and discharged on-

(a) Completion of short term engagement;
(b) Fulfilling the conditions of enrolment.

(iii) "Ex-serviceman" (military and civil) discharged on completion of their contract (including short service Regular Commissioned Officers) ;

(iv) "Ex-serviceman" discharged after working for more than six months continuously against leave vacancies;

(v) "Ex-serviceman" invalidated out of service;

(vi) "Ex-serviceman" discharged on the ground that they are unlikely to become efficient soldiers;

(vii) "Ex-serviceman" who are medically boarded out on account of gun-shots, wounds etc.

(f) The upper age limit shall be relaxable upto 2 (two) years in respect of green card holder candidates under the Family Welfare Programme.

(g) The upper age limit shall be relaxable upto 5 (five) years in respect of awarded superior cast partner couple under the Inter-caste Marriage Incentive programme of the Scheduled Castes, Scheduled Tribes and Other Backward Classes Welfare Department.

(h) The general upper age limit shall also be relaxable upto 5 (five) years in respect of the Saheed Rajiv Pandey Award, Gundadhur Samman, Maharaja Praveer Chand Bhajdeo Samman and National Youth Award holder candidates.

(i) The upper age limit shall be relaxable upto a maximum of 38 years of age in respect of candidates who are the employees of Chhattisgarh State Corporation/Boards.

(j) The upper age limit shall be relaxed in the case of voluntary Home Guards and Non-commissioned Officers of Home Guards for the period of service rendered so by them subject to the limit of 8 (eight) years but in no case their age should exceed 38 years.

Note- (i) Candidates who are found eligible for selection under the age concessions mentioned in clause (d) (i) and (ii) of above rule, will not be eligible for appointment if after submitting the application they resign from service either before or after examination/selection. They will, however, continue to be eligible if they are retrenched from the service or post after submitting the application.

(ii) In no other case will these age limits be relaxed. Departmental candidates must obtain previous permission of their Appointing Authority to appear for the selection.

(k) In respect of age limit, the direction issued by General Administration Department from time to time, shall also be applicable.

(l) In any case the maximum age to get eligible for Government job shall not exceed 45 years, irrespective of age relaxation under one or more then one category mentioned above.

(2) **Educational Qualification.-** The candidate in any case must possess the educational qualifications prescribed for service as shown in Schedule-III.

(3) **Fees.-** The candidate must pay the fees as prescribed by the Government.

9. **Disqualification.-** Any attempt on the part of a candidate to obtain support for his candidature by any means may be held by the Appointing Authority to disqualify him for appearing in the examination/selection.

10. **Appointing Authority's decision about the eligibility of the candidates shall be final.-** The decision of the Appointing Authority as to the eligibility or otherwise of a candidate for appearing in admission/selection shall be final and no candidate to whom a certificate of admission has not been issued by the Appointing Authority shall be admitted to the examination/interview by the Committee.

11. **Direct Recruitment by selection/competitive Examination.-** Appointing Authority shall constitute selection committee consisting of three members.

(1) **Direct Recruitment by competitive Examination.- (i)** Competitive examination for recruitment to the service shall be held at such intervals as the Appointing Authority may in consultation with the Government from time to time determine.

(ii) The examination shall be held by the Appointing Authority in accordance with such orders issued by the Government from time to time.

(2) **Direct Recruitment by Selection.-** (i) The selection for recruitment to the service shall be held at such intervals as the Appointing Authority may, from time to time determine.
(ii) The Selection of candidates to the service shall be made by the Selection Committee on the basis of interview, and
(iii) The Selection Committee shall be constituted by the Appointing Authority from time to time.

(3) There shall be reserved posts for the persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes at the stage of direct recruitment in accordance with the provisions contained in the Chhattisgarh Public Service (Scheduled Castes, Scheduled Tribes and Other Backward Classes Reservation) Act, 1994 (No.21 of 1994) and orders issued by the Government from time to time.

(4) In filling up the vacancies so reserved, candidates who are members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes shall be considered for appointment, under sub-rule (3) against reserved vacancies.

(5) In filling the vacancies so reserved, candidates who are members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes shall be considered for appointment in the order in which their names appear in the list referred to in Rule-12 irrespective of their relative rank as compared with other candidates.

(6) The post shall be reserved for women candidates in accordance with the provision of the Chhattisgarh Civil Services (Special Provision for Appointment of Women) Rules, 1997.

(7) In such cases, where experience of some period has been prescribed as an essential condition for the posts to be filled in, by direct recruitment and it is found in the opinion of the competent authority that there is a possibility, that the candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes may not be available in sufficient number, then the competent authority may relax the condition of experience in respect of the candidate of Scheduled Castes, Scheduled Tribes and Other Backward Classes.

(8) Reservation for the physically handicapped persons shall be done as per the directions issued by the General Administration Department.

12. List of candidates recommended by Selection Committee.- (1) The Appointing Authority shall prepare a list arranged in the order of merit of the candidates who have qualified by such standards as the Selection Committee may determine, and the list of the candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes though not qualified by that standard, but are declared by the Selection Committee to be suitable for appointment to the service with due regard to the maintenance of efficiency in administration. The list shall also be published for general information.

(2) Subject to the provision of these rules and of the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961 candidates shall be considered for appointment to the available vacancies in the order in which their names appear in the list.

(3) The inclusion of a candidate's name in the list confers no right to appointment unless the Appointing Authority is satisfied, after such enquiry, as it may be considered necessary, that the candidate is suitable in all respects for appointment to the service.

13. **Appointment by Promotion.-** (1) A committee shall be constituted for making a preliminary selection for promotion of eligible candidates. The committee shall be constituted in accordance with the provisions of sub-clause of Section 8 of Chhattisgarh Public Service (Scheduled Castes, Scheduled Tribes and Other Backward Classes Reservation) Act, 1994 (No.21 of 1994) shall be adhered to.

(2) The Committee shall meet at such intervals ordinarily not exceeding one year.

(3) Promotion shall be made in accordance with the provision of Chhattisgarh Public Service (Promotion) Rules, 2003.
(4) Procedure for making promotion in the reserved vacancies shall be made in accordance with sub-rule (3) and the instructions issued by the General Administration Department of the Government from time to time.

14. **Conditions of eligibility for promotion/transfer.-** (1) Subject to the provisions of sub-rule (2), the Committee shall consider the cases of all persons who on the 1st day of January of that year had completed that many year of service (whether officiating or substantive) as mentioned in column (4) of Schedule-IV or any other post or posts declared equivalent thereto by the Government and are within the zone of consideration, as per sub-rule (2).

Explanation- Method of calculation for eligibility for promotion-
(1) The calculation of period of qualifying service on 1st January of the relevant year in which Departmental Promotion Committee/Screening Committee is convened shall be counted from the calendar year in which the public servant has joined the feeder cadre/part of the service/pay scale of the post and not from the date of joining of the cadre/part of the service/pay scale of post.
(2) The reservation in promotion shall be made in accordance with the provision of Chhattisgarh Public Service (Promotion) Rules, 2003.
(3) Promotion shall be made as per reservation roster prescribed by the Government.

15. **Preparation of list of suitable Candidates.-** (1) The Committee shall prepare list of such persons who satisfy the conditions prescribed in rule-14 above and are held by the Committee to be suitable for promotion / transfer to the service. The list shall be sufficient to cover the anticipated vacancies on account of retirement and promotion during the course of one year from the date of preparation of the select list.

(2) Preparation of selection list for promotion is totally on seniority subject to fitness.

(3) The names of employees included in the list shall be arranged in order of seniority in the service or posts as specified in column (2) of Schedule-IV at the time of preparation of select list as per Chhattisgarh Civil Service (General Conditions of Service) Rules, 1961.

Explanation- The person, whose name is included in a Select List, but who is not promoted during the validity of the list, shall have no claim to seniority over those persons considered in a subsequent selection merely by the fact of his earlier selection.

16. Select List.- (1) The list as finally approved by the Appointing Authority shall form the select list for promotion of the members of service to the posts mentioned in Column (2) of Schedule-IV from the posts as mentioned in Column (3) of Schedule-IV.

(2) The select list for promotion, shall be ordinarily valid for the period of one year from the date of its preparation:

Provided that in the event of a grave lapse in the conduct or performance of duties on the part of any person included in the Select List, a special review of the Select List may be made at the instance of the Government may, if it thinks fit, remove the name of such person from the Select List.

17. Appointment to the Service from the Select List.- (1) Appointment of the persons included in the select list shall be made to the posts of service cadre in the order in which their names appear in the list in accordance with the provision of Chhattisgarh Public Service (Promotion) Rules, 2003.

(2) It shall not ordinarily be necessary to consult the Committee before appointment of a person whose name is included in the select list to the service unless during the period intervening between the inclusion of his name in the Select List and the date of the proposed appointment there occurs any deterioration in his work which, in the opinion of the Appointing Authority, is such as to render him unsuitable for appointment to the service.

18. Probation.- Every person directly recruited/ promoted, to the Service shall be appointed on probation for a period of two years.

19. Interpretation.- If any question arises relating to the interpretation of these rules it shall be referred to the State Government, whose decision there on shall be final.

20. Relaxation.- Nothing in these rules shall be construed to limit or abridge the power of the Governor to deal with the case of any person, to whom these rules apply in such manner, as may appear to it to be just and equitable:

Provided that the case shall not be dealt with in any manner less favourable to him than that provided in these Rules.

21. Saving.— Nothing in these rules shall affect reservation, relaxation and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in accordance with the instructions/orders issued by the State Government in this respect from time to time.

22. Repeal and Saving.— All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed in respect of matters covered by these rules:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order and in the name of the Governor of Chhattisgarh,
AJAY SINGH, Principal Secretary.

SCHEDULE-I
(See Rule 5)

Classification of Service, Pay scale and Number of Post included in the Service

Sl. No.	Name of Post included in the Service	Number of Posts	Classification	Pay-Scale	Grade Pay
(1)	(2)	(3)	(4)	(5)	(6)
1.	Assistant Statistic Officer	01	Executive Class-III	9300-34800	4300
2.	Stenographer (Grade-II)	01	Secretariat Class-III	9300-34800	4300
3.	Stenographer (Grade-III)	01	Secretariat Class-III	5200-20200	2800
4.	Assistant Grade-II/Accountant	01	Secretariat Class-III	5200-20200	2400
5.	Data Entry Operator	01	Secretariat Class-III	5200-20200	2400
6.	Assistant Grade-III	02	Secretariat Class-III	5200-20200	1900
7.	Driver	01	Non-clerical Class-III	5200-20200	1900

SCHEDULE-II
(See Rule 6)

Name of the Department	Name of Service	Number of Posts	Percentage of the number of posts to be filled in		
			By direct recruitment See Rules-6(A) and (b)	By promotion of member of the service See Rule 6(c)	By transfer of person from other services See Rule 6(c)
(1)	(2)	(3)	(4)	(5)	(6)
Directorate of Institutional Finance	Chhattisgarh Directorate of Institutional Finance (Grade-III Service)				
Assistant Statistic Officer	-do-	01	100%	-	-
Stenographer(Grade-II)	-do-	01	-	100%	-
Stenographer(Grade-III)	-do-	01	100%	-	-
Assistant Grade-I /Accountant	-do-	01	-	100%	-
Data Entry Operator	-do-	01	100%	-	-
Assistant Grade-III	-do-	02	75%	25%	-
Driver	-do-	01	100%	-	-

SCHEDULE-III
(See Rule 8)

Name of the Department	Name of Service	Minimum Age Limit	Maximum Age Limit	Education Qualification Prescribed	Member of the Departmental Selection Committee
(1)	(2)	(3)	(4)	(5)	(6)
Directorate of Institutional Finance Chhattisgarh	Chhattisgarh Directorate of Institutional Finance (Grade-III Service)				
Assistant Statistic Officer	-do-	18 year	30 year (35 years for C.G. domicile)	**Compulsory Eligibility-** Master Degree in Economics, Statistics, Commerce, Mathematics or MCA of any one subject passed on 2nd division from any recognized Institute.	1. Additional Director-Chairman 2. Joint Director-Member 3. The Selected Member of Finance Department
Stenographer (Grade-III)	-do-	18 year	30 year (35 years for C.G. domicile)	1. Should have passed Higher Secondary Exam (10+2) or 1st year degree from any recognized Board/ University. 2. Should have passed Hindi/English shorthand exam with speed of 100 wpm. and 25 wpm. in Hindi and 30 wpm. in English typewriting exam from the recognized Board/Institute or Board of Shorthand and Typewriting Examination. 3. One year Diploma in Data-entry-operator / programming from any recognized institute and should have speed of 10,000 (Key) depressions per hour.	1. Additional Director--Chairman 2. Joint Director--Member 3. Programmer cum Sys. Administrator--Member
Data Entry Operator	-do-	18 year	30 year (35 years for C.G. domicile)	1. Should have passed Class 12th (10+2) or class 10th from board and should have passed with three years diploma in any subject. 2. One year Diploma in Data-entry-operator / programming from any recognized institute and should have speed of 8,000 (Key) depressions per hour of Computer in Hindi and English.	1. Additional Director--Chairman 2. Joint Director--Member 3. Programmer cum Sys. Administrator--Member

Assistant Grade-III	-do-	18 year	30 year (35 years for C.G. domicile)	1. Should have passed Higher Secondary Exam (10+2) or 1st year degree from any recognized Board / University. 2. Should have passed Hindi typewriting exam with speed of 25 wpm. from the recognized Board/Institute. 3. One year Diploma in Data-entry-operator / programming from any recognized institute and should have speed of 5,000 (Key) depressions per hour.	1. Additional Director--Chairman 2. Joint Director--Member 3. Programmer cum Sys. Administrator--Member
Driver	-do-	18 year	30 year (35 years for C.G. domicile)	Should have passed 8th class and possess valid driving license.	1. Additional Director--Chairman 2. Joint Director--Member 3. Programmer cum Sys. Administrator--Member

SCHEDULE-IV

(See Rule 13)

Name of the Department	Name of the Post from which Promotion is to be made	Name of the Post on which promotion is to be made	Service Experience for Promotion	Name of Members of the Departmental Promotion Committee
(1)	(2)	(3)	(4)	(5)
Directorate of Institutional Finance Chhattisgarh	1. Stenographer Grade-III	Stenographer Grade-II	5 Year	1. Additional Director - Chairman 2. Joint Director- Member 3. Programmer cum System Administrator- Member
	2. Assistant Grade-III	Assistant Grade-II Cum Accountant	5 Year	1. Additional Director - Chairman 2. Joint Director- Member 3. Programmer cum System Administrator- Member
	3. Peon	Assistant Grade-III	5 Year	1. Additional Director - Chairman 2. Joint Director- Member 3. Programmer cum System Administrator- Member

Note- In case of any of the above post being vacant the in-charge will have right to appoint a suitable replacement for the same.

राजस्व विभाग

कार्यालय, कलेक्टर, जिला सरगुजा, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व विभाग

सरगुजा, दिनांक 24 जनवरी 2012

ग. प्र. क्र./09/अ-82/2011-12.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक एक सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
सरगुजा	लखनपुर	बगदरी मुटकी	0.774 0.328	कार्यपालन अभियंता, लोक निर्माण विभाग, सेतु संभाग, अम्बिकापुर.	बगदरी-मुटकी-निम्हा मार्ग पर रेहण्ड सेतु पहुंच मार्ग के निर्माण हेतु.

भूमि का नक्शा (प्लान) भू-अर्जन अधिकारी, राजपुर के कार्यालय में देखा जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
आर. प्रसन्ना, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला दुर्ग, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व विभाग

दुर्ग, दिनांक 24 जनवरी 2011

क्रमांक/110/भू.अ.प्र.क्र./अ-82/2010-11.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (एकड़ में)		
(1)	(2)	(3)	(4)	(5)	(6)
दुर्ग	डौण्डीलोहारा	डुटामारदी प.ह.नं. 35/51	2.45	कार्यपालन अभियंता, खरखरा मोंहदीपाट परियोजना संभाग, दुर्ग.	कोड़ेकसा व्यपवर्तन योजना अन्तर्गत नहर निर्माण.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व) एवं भू-अर्जन अधिकारी, डौण्डीलोहारा के कार्यालय में देखा जा सकता है.

दुर्ग, दिनांक 24 जनवरी 2011

क्रमांक/112/भू.अ.प्र.क्र./अ-82/2010-11.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (एकड़ में)	के द्वारा प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
दुर्ग	डौण्डीलोहारा	खड़बत्तर प.ह.नं. 35/51	6.13	कार्यपालन अभियंता, खरखरा मोंहदीपाट परियोजना संभाग, दुर्ग.	कोड़ेकसा व्यपवर्तन योजना नहर निर्माण.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व) एवं भू-अर्जन अधिकारी, डौण्डीलोहारा के कार्यालय में देखा जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
रीना बाबा साहेब कंगाले, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला बालोद, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व विभाग

बालोद, दिनांक 24 जनवरी 2012

क्रमांक/114/भू.अ.प्र.क्र./अ-82/2011-12.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)	के द्वारा प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
बालोद	डौण्डीलोहारा	जाटादाह प.ह.नं. 38/54	8.17	कार्यपालन अभियंता, खरखरा मोंहदीपाट परियोजना संभाग, दुर्ग.	जाटादाह जलाशय परियोजना के अंतर्गत डुबान/नहर निर्माण.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व) एवं भू-अर्जन अधिकारी, डौण्डीलोहारा के कार्यालय में देखा जा सकता है.

बालोद, दिनांक 24 जनवरी 2012

क्रमांक/116/भू.अ.प्र.क्र./अ-82/2011-12.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (एकड़ में)		
(1)	(2)	(3)	(4)	(5)	(6)
बालोद	डौण्डीलोहारा	कोड़ेकसा प.ह.नं. 35/51	4.42	कार्यपालन अभियंता, खरखरा मोंहदीपाट परियोजना संभाग, दुर्ग.	कोड़ेकसा व्यपवर्तन योजना के अंतर्गत.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व) एवं भू-अर्जन अधिकारी, डौण्डीलोहारा के कार्यालय में देखा जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अमृत कुमार खलखो, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला रायगढ़, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व विभाग

रायगढ़, दिनांक 1 फरवरी 2012

भू-अर्जन प्रकरण क्रमांक 35/अ-82/2011-12.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक एक सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है. राज्य शासन यह भी निर्देश देता है कि उक्त अधिनियम की धारा 5 (अ) के उपबंध उक्त भूमि के संबंध में लागू नहीं होंगे, क्योंकि उसकी राय में अधिनियम की धारा 17 की उपधारा (1) की उपबंध उसके संबंध में लागू होते हैं :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	छपोरा प. ह. नं. 33	184.633	मुख्य महाप्रबंधक, जिला व्यापार एवं उद्योग केन्द्र, रायगढ़.	औद्योगिक प्रयोजन हेतु भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 1 फरवरी 2012

भू-अर्जन प्रकरण क्रमांक 36/अ-82/2011-12.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक एक सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है. राज्य शासन यह भी निर्देश देता है कि उक्त अधिनियम की धारा 5 (अ) के उपबंध उक्त भूमि के संबंध में लागू नहीं होंगे, क्योंकि उसकी राय में अधिनियम की धारा 17 की उपधारा (1) की उपबंध उसके संबंध में लागू होते हैं :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	देवलसुर्रा प. ह. नं. 34	45.415	मुख्य महाप्रबंधक, जिला व्यापार एवं उद्योग केन्द्र, रायगढ़.	औद्योगिक प्रयोजन हेतु भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 1 फरवरी 2012

भू-अर्जन प्रकरण क्रमांक 37/अ-82/2011-12.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक एक सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है. राज्य शासन यह भी निर्देश देता है कि उक्त अधिनियम की धारा 5 (अ) के उपबंध उक्त भूमि के संबंध में लागू नहीं होंगे, क्योंकि उसकी राय में अधिनियम की धारा 17 की उपधारा (1) की उपबंध उसके संबंध में लागू होते हैं :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	कान्दागढ़ प. ह. नं. 33	65.173	मुख्य महाप्रबंधक, जिला व्यापार एवं उद्योग केन्द्र, रायगढ़.	औद्योगिक प्रयोजन हेतु भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अमित कटारिया, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला रायपुर, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व विभाग

रायपुर, दिनांक 23 नवम्बर 2011

क्रमांक/क/वा./भू.अ./अ.वि.अ./प्र.क्र./03/अ-82/वर्ष 2011-12—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन					धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल			
			खसरा नं.	रकबा (हेक्टेयर में)		
(1)	(2)	(3)	(4)		(5)	(6)
रायपुर	रायपुर	बोरियाखुर्द प. ह. नं. 118	209/1	0.223	मुख्य कार्यपालन अधिकारी, रायपुर विकास प्राधिकरण, रायपुर (छ.ग.).	नगर विकास योजना क्रमांक-4 (कमल विहार)
			226/3	0.018		
			191/16	0.011		
			257/3, 258/5	0.007		
		योग		**0.259**		

रायपुर, दिनांक 23 नवम्बर 2011

क्रमांक/क/वा./भू.अ./अ.वि.अ./प्र.क्र./04/अ-82/वर्ष 2011-12—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन					धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल			
			खसरा नं.	रकबा (हेक्टेयर में)		
(1)	(2)	(3)	(4)		(5)	(6)
रायपुर	रायपुर	डूमरतराई प. ह. नं. 115	357/78	0.014	मुख्य कार्यपालन अधिकारी, रायपुर विकास प्राधिकरण, रायपुर (छ.ग.).	नगर विकास योजना क्रमांक-4 (कमल विहार)
			311/18	0.101		
			308/1	0.405		
			310/1	0.291		

(1)	(2)	(3)	(4)		(5)	(6)
			311/19	0.405		
			308/6	0.328		
			308/12	1.206		
			309/2	0.243		
			308/7	0.910		
		योग		3.903		

रायपुर, दिनांक 23 नवम्बर 2011

क्रमांक/क/वा./भू.अ./अ.वि.अ./प्र.क्र./05/अ-82/वर्ष 2011-12—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन					धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल			
			खसरा नं.	रकबा (हेक्टेयर में)		
(1)	(2)	(3)	(4)		(5)	(6)
रायपुर	रायपुर	देवपुरी प. ह. नं. 114/45	334/53	0.014	मुख्य कार्यपालन अधिकारी, रायपुर विकास प्राधिकरण, रायपुर (छ.ग.).	नगर विकास योजना क्रमांक-4 (कमल विहार)
			334/8	0.014		
			470/6	0.108		
			402, 403	0.069		
			484/1	0.041		
			485/1	0.068		
			468/4	0.042		
		योग		0.356		

रायपुर, दिनांक 23 नवम्बर 2011

क्रमांक/क/वा./भू.अ./अ.वि.अ./प्र.क्र./06/अ-82/वर्ष 2011-12—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 4 की उपधारा (1) के उपबन्धों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है कि राज्य शासन, इसके द्वारा, इस अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन					धारा 4 की उपधारा (2) के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल			
			खसरा नं.	रकबा (हेक्टेयर में)		
(1)	(2)	(3)	(4)		(5)	(6)
रायपुर	रायपुर	टिकरापारा प. ह. नं. 114/45	564/6	0.047	मुख्य कार्यपालन अधिकारी, रायपुर विकास प्राधिकरण, रायपुर (छ.ग.).	नगर विकास योजना क्रमांक-4 (कमल विहार)
			694/9	0.014		
			695/4	0.014		
			659/43	0.032		
			714/18	0.060		
			714/14	0.061		
			710/39	0.124		
			710/40	0.120		
			577/4	0.077		
			358/3	0.008		
			659/21	0.014		
			665/37, 665/38	0.011		
			659/28	0.028		
			659/49	0.014		
			659/33	0.014		
			659/64	0.047		
			694/44	0.076		
			659 3	0.051		
			676/6	0.028		
			580/4	0.117		
			673/14	0.014		
			693/11	0.265		
			710/8	0.170		
			665/1	0.055		
			564/9	0.046		
			673/11	0.014		
			673/11	0.012		
			673/11	0.012		
			673/10	0.046		
			673/64	0.014		
			665/81	0.037		
			689/9	0.203		

(1)	(2)	(3)	(4)		(5)	(6)
			664/11	0.053		
			695/3	0.051		
			694/44	0.076		
			678/3	0.340		
			679	0.174		
			680	0.943		
			696	0.014		
			688/8	0.074		
			691/6	0.125		
			691/7	0.041		
			691/5	0.057		
			691/10	0.210		
			659/82	0.014		
			706/51	0.009		
			692/28	0.025		
			700/1	0.006		
			669/4	0.028		
			700/1	0.019		
			665/39, 665/40	0.022		
			673/62	0.028		
			659/20	0.014		
			659/61	0.014		
			694/28	0.019		
			659/61	0.014		
			673/62	0.028		
			659/20	0.014		
			665/39, 665/40	0.022		
			706/30	0.018		
			योग	**4.297**		

रायपुर, दिनांक 28 जनवरी 2012

संशोधित अधिसूचना

क्रमांक/क/भू.अ./अ.वि.अ./प्र.क्र. 01 अ/82 वर्ष 2009-10—छ.ग. राजपत्र दिनांक 05 मार्च 2010 के पृष्ठ क्र. 116, 116 (1), 116 (2) में भू-अर्जन अधिनियम, 1894 के धारा 6 के अंतर्गत जिला रायपुर, तहसील आरंग, ग्राम रमचण्डी में नया रायपुर क्षेत्र अंतर्गत रोड क्रमांक-08 हेतु अधिसूचना प्रकाशित हुआ है. उक्त अधिसूचना में खसरा नंबर 108/1 रकबा 0.380 हे. का प्रकाशन त्रुटिवश हो गया है. उक्त के स्थान पर खसरा नंबर 208/1 रकबा 0.380 हे. पढ़ा जावे.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
रोहित यादव, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला रायपुर, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन राजस्व विभाग

रायपुर, दिनांक 30 जनवरी 2012

क्रमांक/क/वा./भू.अ./अ.वि.अ./प्र.क्र./05/अ-82/वर्ष 2010-11.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

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(1) भूमि का वर्णन-
- (क) जिला-रायपुर
- (ख) तहसील-रायपुर
- (ग) नगर/ग्राम-डूण्डा, प.ह.नं. 118
- (घ) लगभग क्षेत्रफल-34.506 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
3/12	0.190
4/37	0.505
4/15	0.162
6/36	0.025
4/28	0.433
4/38	0.064
4/55	0.178
4/57	0.591
45/8	0.040
46/9	0.207
46/2	0.255
46/3, 46/7	0.198
46/4	0.227
48/6	0.041
56/8, 66/50	0.591
17	0.022
96/6	0.019
98/9	0.740
110/1	0.007
110/3	0.036
110/5, 112/7	0.028
110/11	0.014
110/15	0.014
111/3	0.032
111/4	0.018
111/5	0.007
112/11	0.014
113/1	0.198
115/10	0.014
116/3	0.014
116/4	0.014
116/22	0.014
116/36, 37, 38	0.063
116/41	0.014
00117/8	0.028
00117/21	0.014
00117/22	0.014
00118/9	0.008
00119/7	0.028
00120/2	0.045
00120/9	0.014
00122/8	0.020
00137/1	0.064
00142/4	0.032
00147/2	0.206
00122/2	0.129
00137/2	0.043
00137/4	0.180
00142/1, 142/2	0.052
00142/3	0.032
00142/10	0.017
00144/1	0.619
00144/4	0.045
00144/2	0.388
00144/3	0.422
00144/7	0.417
00144/8	0.213
00144/13	0.060
00144/17	0.037
00144/19	0.009
00144/31	0.009
00144/39	0.009
00144/40	0.009
00147/4	0.017
00147/5	0.017
00147/11	0.017
00145/2	0.022

(1)	(2)	(1)	(2)
00145/4	0.015	00037/10	0.014
00145/31	0.017	00037/24	0.043
00145/44	0.004	00037/25	0.046
4/14, 4/19	0.037	40/5	0.162
6/62	0.063	41/4	0.198
6/23	0.165	45/2	0.191
6/31	0.202	54/3	0.320
6/48	0.145	55/2	0.114
12/1	0.316	66/20	0.405
00017/1	0.085	66/15	0.146
6/6, 98/5	0.531	66/22	0.008
96/4	0.037	66/23	0.134
6/18	0.049	66/30	0.003
26/4	0.670	00090/10	0.100
90/2	0.271	00090/12	0.290
90/3	0.694	00090/11	0.164
90/7	0.404	00090/44	0.028
90/18	0.049	00090/49	0.009
90/19	0.044	00090/51	0.009
6/28	0.283	00091/7	0.075
6/40	0.178	00091/9	0.202
6/38	0.166	00092/4	0.014
6/43	0.065	00092/5	0.014
6/55, 12/4	0.014	00092/8	0.014
6/56, 12/5	0.014	00092/9	0.014
6/57, 12/6	0.014	00092/12	0.014
00020/1	0.006	00092/13	0.014
00025/2	0.006	00092/14	0.028
00092/3	0.008	00092/21	0.014
00024/3	0.007	00092/26	0.028
00024/5	0.219	00092/30	0.011
00025/24	0.012	00092/31	0.011
00025/13	0.023	00095/4	0.035
00025/14	0.023	00095/5	0.048
00027/23	0.013	00095/6	0.018
00028/3	0.014	00095/14	0.046
00028/4	0.014	00103/8	0.027
00028/6	0.014	00103/17	0.019
00028/9, 29/4	0.014	00103/18	0.014
00028/11, 29/7	0.014	103/19	0.009
00028/13, 29/9	0.014	00105/1, 107/1, 108/1	0.007
00028/17, 29/13	0.014	00105/5, 107/5, 108/5	0.007
00028/22, 29/18	0.014	00105/24, 107/24, 108/24	0.028
00028/23, 29/19	0.010	00106/3	0.014
00028/24, 29/20	0.010	00106/6	0.014
00037/1	0.106	(122/1, 122/4, 123/1, 123/3)/2	0.029

(1)	(2)
00122/3	0.068
00122/17/1, 122/18/1	0.020
00124/4	0.094
00124/25	0.014
125/4, 92/1, 92/3	0.020
125/4, 92/1, 92/3	0.022
125/4, 92/1, 92/3	0.014
125/4, 92/1, 92/3	0.028
125/4, 92/1, 92/3	0.011
125/4, 92/1, 92/3	0.028
125/4, 92/1, 92/3	0.011
125/4	0.011
00125/6	0.022
00122/6	0.020
00132/1	0.142
00126/4	0.024
00126/9	0.014
00127/6, 127/7	0.011
00127/12, 127/13	0.022
00127/18, 127/19	0.004
00128/1/6, 128/2/6	0.014
00128/1/9, 128/2/9	0.028
00130/20/क	0.028
00132/3	0.014
00135/3	0.022
00135/5	0.022
00135/6	0.028
00137/4	0.180
00139/5	0.018
00150/1, 150/2, 150/3, 150/4	0.006
(152/1, 155/3, 155/8, 155/34)4	0.014
00153/1, 155/5, 155/7, 155/9	0.023
00154/2	0.013
00154/9	0.009
00155/6	0.019
(00155/8, 155/34)/2	0.014
00155/10	0.009
00155/11	0.087
00155/12	0.013
00155/14	0.018
00155/15	0.018
00155/16	0.014
00155/17	0.009
00155/18	0.014
00155/21	0.014
00155/46	0.042

(1)	(2)
00155/54	0.014
00157/24	0.014
00157/25	0.027
00159/1	0.021
00159/18	0.011
00160/2	0.196
(00151/6, 152/4)/1	0.007
00162/2, 162/5	0.012
00162/11	0.018
00164/3	0.048
00164/4	0.046
00165/2	0.027
00165/41	0.011
00165/42	0.011
00165/44	0.011
00165/62	0.011
00165/65	0.008
00165/67	0.009
00165/66	0.007
00165/68	0.011
00165/88	0.011
00151/2, 151/3, 151/4	0.065
00151/7, 151/8	0.022
00151/22	0.089
00151/10	0.011
00151/11	0.014
00151/12	0.011
00151/19	0.248
00151/20, 151/21	0.130
00151/24	0.019
00151/25	0.018
66/70	0.086
00135/1	0.004
65/19	0.004
65/19	0.005
65/23	0.028
65/26	0.002
65/32	0.004
66/10-1	0.014
66/41	0.433
66/45	0.121
66/58	0.011
66/62	0.036
66/63, 66/64, 86/5	0.045
66/65, 66/66, 86/6	0.044
66/69	0.291

(1)	(2)	(1)	(2)
66/80	0.019	00214/11	0.074
66/86, 97, 98	0.018	254	0.470
66/95	0.017	00475/3	0.420
66/101ख	0.014	00475/6	0.105
66/109D	0.008	00478/6	0.215
66/110	0.019	00476/1	0.287
66/112	0.014	00478/3	0.174
66/118, 119	0.023	485/7	0.089
66/155	0.014	00489/1	0.593
66/162	0.006	00486/2	0.012
66/164	0.014	00486/8	0.024
66/167	0.014	00497/3	0.131
66/186	0.007	00497/7	0.132
66/188	0.007	00252/2	0.101
66/249	0.009	00515/1	0.174
66/252	0.011	00515/2	0.121
78/2	0.080	00515/3	0.121
68/22, 69/21	0.012	00556/1	0.154
72, 73	0.251	00556/2	0.089
292/4	0.090	00556/3	0.109
293/1	0.145	00561/4	0.061
295/1	0.257	00564/3	0.121
297/1	0.271	571	0.356
299/3	0.008	00572/2	0.405
304/1	0.182	573	0.194
00173/11	0.069	506	0.453
00142/1, 142/2	0.052	00507/6	0.205
00475/4	0.105	00507/5	0.204
00495/4	0.134	00514/1	0.660
00163/3	0.457	00514/2	0.022
00168/15, 173/21	0.014	00514/3	0.022
00169/5	0.018	00516/3	0.161
00169/28	0.015	00520/2	0.545
00169/37	0.014	00520/4	0.202
00169/38	0.014	519/2/क	0.214
00169/45	0.014	00520/3	0.545
00169/46	0.014	00521/2	0.485
00171/1	0.246	00521/5	0.122
00171/3	0.134	00552/1	0.174
174/1	0.028	00561/7	0.227
174/2	0.028	00561/1	0.400
197	0.047	00561/2	0.121
00200/3	0.032	00563/1	0.202
00208/2	0.250	00563/3, 564/4	0.218
00475/1	0.421	00564/8	0.304
212/3	0.037	66/150	0.014

(1)	(2)
66/154	0.006
66/200	0.008
66/220	0.008
66/261	0.014
00147/9	0.017
00166/3	0.465
66/116	0.014
00169/44	0.014
00215/4	0.037
योग	34.506

(2) सार्वजनिक प्रयोजन का विवरण-नगर विकास योजना क्रमांक-4 (कमल विहार).

(3) भूमि का नक्शा (प्लान) का निरीक्षण मुख्य कार्यपालन अधिकारी, रायपुर विकास प्राधिकरण, रायपुर (छ.ग.) के कार्यालय में किया जा सकता है.

रायपुर, दिनांक 30 जनवरी 2012

क्रमांक/क/वा./भू.अ./अ.वि.अ./प्र.क्र./07/अ-82/वर्ष 2010-11.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-

(क) जिला-रायपुर

(ख) तहसील-रायपुर

(ग) नगर/ग्राम-देवपुरी, प.ह.नं. 114/45

(घ) लगभग क्षेत्रफल-12.436 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
330/12	0.018
330/7	0.019
330/8	0.009
330/9	0.009
330/11	0.037
330/13	0.010
330/15	0.018
332/15	0.028
332/28	0.014
333/1	0.002
333/22	0.014
333/26	0.027
334/2	0.008
334/5, 334/6	0.028
334/5, 334/6	0.028
334/8	0.014
334/9	0.014
334/18	0.014
334/20	0.014
334/21	0.014
334/40	0.014
334/43	0.014
334/44	0.014
334/45	0.041
334/46	0.014
334/47	0.014
334/50	0.014
334/48	0.014
334/51	0.028
334/53	0.014
334/54	0.027
335/1	0.148
335/8	0.014
335/9	0.014
336/4	0.009
338/1, 339/1	0.328
338/6	0.171
338/134	0.053
343/1	0.021
338/2, 338/5	0.351
338/3	0.008
338/4, 344/1	0.010
338/9-10	0.152
338/15	0.107
338/17	0.006
338/29	0.014
338/30	0.014
338/34	0.014
338/36	0.014
338/41	0.014
338/45	0.028
338/53	0.019

(1)	(2)	(1)	(2)
338/57	0.014	372/2	0.152
338/58	0.014	375/8	0.022
338/59	0.009	375/16	0.022
338/60	0.009	382/6, 383/7	0.044
338/65	0.019	382/18, 383/22	0.044
338/68	0.009	382/23, 383/28	0.022
338/79	0.009	383/2	0.039
338/80	0.009	384/2	0.018
338/81	0.019	385/4	0.026
338/85	0.019	386/5	0.022
338/88	0.009	387/4	0.016
338/93	0.023	387/6	0.082
338/95	0.012	222/4	0.019
338/107	0.009	222/13	0.050
338/121	0.009	223/1	0.132
338/122	0.009	223/6	0.014
338/124	0.018	223/7	0.033
338/128	0.005	223/9	0.014
346/1	0.101	223/10	0.014
346/1	0.098	223/14	0.014
348/4	0.005	223/15	0.014
349/15	0.028	223/16	0.014
351/9	0.014	225/2	0.340
351/11	0.014	225/4	0.044
352/27	0.014	225/5	0.014
352/28	0.014	225/6	0.014
352/38	0.028	225/7	0.014
353/7	0.014	225/11	0.014
358/8	0.009	225/12	0.014
358/30	0.008	225/22	0.140
365/14, 366/22	0.014	225/14	0.014
366/7	0.014	225/23	0.011
366/12	0.014	226/1, 226/4	0.409
367/5	0.014	226/3	0.081
367/6	0.027	228/4	0.138
367/9	0.014	228/4	0.070
367/13	0.014	230/3	0.014
367/15	0.014	230/4	0.021
369/6	0.031	231/1	0.025
370/5	0.029	231/2	0.012
370/6	0.031	231/4	0.045
370/7	0.012	231/7	0.013
371/3	0.300	231/8	0.145
371/4	0.022	231/16	0.014
371/10	0.044	231/19	0.033
371/26, 370/20	0.022	231/20	0.014
		231/25	0.028

(1)	(2)	(1)	(2)
231/30	0.014	472/2	0.032
439/1	0.002	391/4	0.050
439/11	0.028	397, 311/1	0.028
439/15	0.014	397, 311/1	0.014
439/21	0.013	400/1, 400/3	0.081
439/34	0.015	401/1	0.202
439/39	0.014	410/1	0.251
439/41	0.014	401/3, 426/1	0.284
439/46	0.014	401/12, 404/10	0.029
439/47	0.014	401/26, 418/17	0.036
439/55	0.014	401/28, 418/19	0.036
439/56	0.014	401/31	0.089
439/58	0.014	401/32	0.087
439/64	0.014	404/1	0.255
439/67	0.014	404/7	0.202
439/80	0.014	405/4	0.050
439/113	0.007	406/1	0.004
439/114	0.057	406/5	0.038
448/6	0.004	415/7, 416/28	0.014
448/7	0.034	416/12	0.027
448/12	0.001	418/2	0.020
448/23	0.012	420/3	0.004
454/2	0.069	421/4	0.085
454/19	0.014	434/4	0.091
454/8	0.014	434/5	0.091
454/11	0.014	463/1-2-4, 464/1-2-3,	0.582
454/13	0.014	464/6-7	
454/14	0.014	488/8	0.101
454/17	0.014	465/1	0.112
454/18	0.014	465/9	0.014
458/1	0.078	465/2	0.014
465	0.056	465/8	0.014
468/7	0.044	465/19	0.014
468/12	0.014	465/20	0.014
469/2, 470/2	0.022	465/21	0.014
469/2, 470/2	0.014	465/23	0.014
469/2, 470/2	0.022	465/24	0.014
469/2, 470/2	0.022	465/25	0.014
469/2, 470/2	0.022	465/27	0.014
469/7	0.011	465/28	0.014
470/2	0.012	465/29	0.028
470/4	0.022	465/30	0.014
470/7	0.022	465/31	0.014
470/6	0.108	465/32	0.014
470/9	0.022	465/33	0.014
470/14	0.014	465/41	0.014

(1)	(2)
465/42	0.028
465/43	0.014
479/1	0.008
467/2	0.022
467/3	0.027
467/4	0.027
472/3	0.004
472/16	0.022
472/18	0.022
472/19	0.022
472/22	0.014
473, 471, 8	0.022
473, 471, 8	0.022
477/5	0.021
476/1, 476/3, 477/3	0.253
477/62	0.016
477/63	0.052
476/10, 477/81	0.055
478/5	0.014
477/20	0.028
477/24	0.015
477/25	0.014
477/31	0.014
477/44	0.022
477/51	0.059
477/52	0.004
477/52	0.005
477/54	0.014
477/55	0.051
477/79	0.046
477/87	0.064
478/3	0.001
478/5	0.146
479/7	0.061
320/1	0.032
209	0.014
209	0.012
209/1	0.047
210/2	0.299
210/3	0.113
210/9	0.114
210/10	0.113
335/13	0.014
346/2	0.045
346/3	0.045
346/4	0.440
351/6	0.028
योग	12.436

(2) सार्वजनिक प्रयोजन का विवरण-नगर विकास योजना क्रमांक-4 (कमल विहार).

(3) भूमि का नक्शा (प्लान) का निरीक्षण मुख्य कार्यपालन अधिकारी, रायपुर विकास प्राधिकरण, रायपुर (छ.ग.) के कार्यालय में किया जा सकता है.

रायपुर, दिनांक 30 जनवरी 2012

क्रमांक/क/वा./भू.अ./अ.वि.अ./प्र.क्र./08/अ-82/वर्ष 2010-11.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-

(क) जिला-रायपुर

(ख) तहसील-रायपुर

(ग) नगर/ग्राम-बोरियाखुर्द, प.ह.नं. 118

(घ) लगभग क्षेत्रफल-2.200 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
(196/1, 197/1, 202/1, 203/3, 204/1)/4	0.014
(196/1, 197/1, 202/1, 203/3, 204/1)/10	0.028
(196/1, 197/1, 202/1, 203/3, 204/1)11	0.014
196/1, 197/1, 202/1, 203/3, 204/1	0.014
196/1, 197/1, 202/1, 203/3, 204/1	0.028
197/1, 202/1, 203/3, 204/1, 196/1	0.014
197/1, 202/1, 203/3, 204/1, 196/1	0.014
196/1, 197/1, 202/1, 203/3, 204/1	0.014
196/1, 197/1, 202/1, 203/3, 204/1	0.014
226/8	0.057

(1)	(2)
227/1	0.038
227/3	0.038
227/8, 228/7	0.162
228/3	0.142
233/4	0.282
233/1	0.027
234/1	0.405
234/2	0.069
241/6	0.405
241/22	0.014
241/30	0.014
241/31	0.022
241/32	0.014
236/1	0.020
191/15, 192/5	0.014
191/15, 192/5	0.011
191/15, 192/5	0.011
191/15, 192/5	0.014
191/15, 192/5	0.011
191/15, 192/5	0.011
191/15, 192/5	0.022
191/15, 192/5	0.006
191/15, 192/5	0.019
191/15, 192/5	0.016
191/15, 192/5	0.014
191/15, 192/5	0.014
191/15, 192/5	0.007
191/16	0.028
191/16	0.019
191/16	0.022
191/85	0.019
191/84	0.011
191/16	0.019
191/16	0.011
216/1	0.017
216/2	0.022
योग	2.200

(2) सार्वजनिक प्रयोजन का विवरण-नगर विकास योजना क्रमांक-4 (कमल विहार).

(3) भूमि का नक्शा (प्लान) का निरीक्षण मुख्य कार्यपालन अधिकारी, रायपुर विकास प्राधिकरण, रायपुर (छ.ग.) के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
रोहित यादव, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला सरगुजा, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन
राजस्व विभाग

सरगुजा, दिनांक 24 जनवरी 2012

रा. प्र. क्र./09/अ-82/2011-12.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-सरगुजा
- (ख) तहसील-लखनपुर
- (ग) नगर/ग्राम-बगदरी/मुटकी
- (घ) लगभग क्षेत्रफल-0.774 हेक्टेयर/ 0.328 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
ग्राम-बगदरी	
190	0.008
196/3	0.129
261	0.097
479/1	0.012
191	0.040
196/4	0.032
481	0.065
479/2	0.012
192	0.032
254	0.057
262	0.036
480	0.061
193	0.040
196/5	0.128
3	0.198
196/2	0.129
253	0.032

(1)	(2)
263	0.028
252	0.040
256/2	0.089
478/4	0.020
योग	0.774

ग्राम मुटकी

(1)	(2)
297/1	0.170
397/2	0.158
योग	0.328

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-बगदरी-मुटकी-निम्हा मार्ग पर रेहण्ड सेतु पहुंच मार्ग के निर्माण हेतु

(3) भूमि के नक्शे (प्लान) का निरीक्षण भू-अर्जन अधिकारी, अम्बिकापुर के न्यायालय में किया जा सकता है.

सरगुजा, दिनांक 24 जनवरी 2012

रा. प्र. क्र./14/अ-82/2011-12.--चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-सरगुजा
- (ख) तहसील-उदयपुर
- (ग) नगर/ग्राम-खोन्धला
- (घ) लगभग क्षेत्रफल-2.222 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
268/1	0.012
265	0.041
307	0.186
263	0.081
266/1	0.097
264	0.012
342/1	0.004
250	0.032
269/9	0.056
305/1	0.049
248	0.725
260/1	0.101
268/2	0.016
306	0.012
353/2	0.048
258/4	0.089
266/2	0.142
249/3	0.016
352/2	0.089
267/2	0.069
261/3	0.292
353/1	0.053
योग	2.222

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-गेरूआनाला जलाशय योजना के व्यपवर्तन एवं नहर के निर्माण हेतु.

(3) भूमि के नक्शे (प्लान) का निरीक्षण भू-अर्जन अधिकारी, अम्बिकापुर के न्यायालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
आर. प्रसन्ना, कलेक्टर एवं पदेन उप-सचिव.

विभाग प्रमुखों के आदेश

संचालनालय, कोष लेखा एवं पेंशन छत्तीसगढ़, रायपुर

रायपुर, दिनांक 7 जनवरी 2012

क्रमांक/2883/सं.कोले/एस.ए.एस./2011.—छत्तीसगढ़ शासन, सामान्य प्रशासन विभाग, मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर के आदेश क्रमांक/एफ 10-1/2009/1-3 रायपुर दिनांक 22-07-2011 द्वारा डी.एन. तिवारी की अध्यक्षता में गठित एक सदस्यीय वेतनमान विसंगति समिति की अनुशंसा पर, छत्तीसगढ़ अधीनस्थ लेखा सेवा संवर्ग के अधिकारियों हेतु स्वीकृत वेतनमान में निम्नानुसार संशोधित किया गया है :—

क्रमांक	विभाग एवं पदनाम	पांचवें वेतनमान में निर्धारित वेतनमान	छठवें वेतनमान में निर्धारित तदस्थानी वेतनमान ग्रेड-पे	पांचवें वेतनमान में संशोधित वेतनमान दिनांक 1-4-2006 से	छठवें वेतनमान में निर्धारित तदस्थानी वेतनमान ग्रेड-पे
(1)	(2)	(3)	(4)	(5)	(6)
1.	वित्त विभाग, छ.ग. अधीनस्थ लेखा सेवा संवर्ग अधिकारी	5000-8000	9300-34800+4200	5500-9000	9300-34800+4300

उपरोक्तानुसार छत्तीसगढ़ अधीनस्थ लेखा सेवा संवर्ग के अधिकारियों (सहायक कोषालय अधिकारी, उपकोषालय अधिकारी, सहायक लेखा अधिकारी, कनिष्ठ लेखा अधिकारी, व्याख्याता लेखा प्रशिक्षण शाखा एवं सहायक आन्तरिक लेखा परीक्षण अधिकारी) को संशोधित वेतनमान प्रदान किया जाता है.

अवध बिहारी,
आयुक्त.

कार्यालय, कलेक्टर एवं जिलादण्डाधिकारी, कोरबा छत्तीसगढ़

कोरबा, दिनांक 4 फरवरी 2012

प्रारूप-ख
[नियम 5 का उपनियम (1) देखें]

छत्तीसगढ़ भूमिगत पाइपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004

क्रमांक 1521/भू-बंटन/अर्जन/2011.—राज्य सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि हसदेव नदी ग्राम-कुदुरमाल, तहसील/जिला-कोरबा (छत्तीसगढ़) से जल परिवहन हेतु ग्राम-पताढ़ी, तहसील/जिला-कोरबा (छत्तीसगढ़) तक मेसर्स लैंको अमरकंटक पावर लिमिटेड द्वारा भूमिगत पाइपलाईन बिछाई जानी चाहिए.

और राज्य सरकार को उक्त भूमिगत पाईपलाईन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें भूमिगत पाईपलाईन बिछाये जाने का प्रस्ताव है, जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए.

अतएव, राज्य सरकार एतद्द्वारा छत्तीसगढ़ भूमिगत पाईपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004 (क्रमांक 7 सन् 2004) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उस भूमि के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन अधिसूचना राजपत्र में प्रकाशित होने के, इक्कीस दिवस के भीतर, भूमि के नीचे पाईपलाईन बिछाये जाने के संबंध में, सक्षम प्राधिकारी, अपर कलेक्टर, कोरबा (छत्तीसगढ़) को लिखित रूप में आक्षेप भेज सकेगा.

अनुसूची

जिला	तहसील	ग्राम/प. ह. नं.	खसरा नंबर	उपयोग के अधिकार के लिए अर्जित की जाने वाली भूमि (एकड़ में)
(1)	(2)	(3)	(4)	(5)
पताढ़ी (शासकीय भूमि)				
कोरबा	कोरबा	पताढ़ी/प.ह.नं. 17	27	0.02
			43/1क/2	0.04
			43/1ख, 43/1ग, 43/1ण, 43/1न	0.01
			43/1द	0.01
			43/1ढ़	0.01
			43/1क्ष	0.01
			128/3	0.02
			कुल पताढ़ी (शासकीय भूमि)	**0.12**
पताढ़ी (निजी भूमि)				
			3/5, 134, 135	0.03
			26/1	0.03
			28	0.02
			32	0.02
			33/1	0.02
			34/1	0.02
			39/1, 38/1, 41/2	0.04
			40	0.02
			41/1, 42/1	0.05
			116	0.03
			117/1	0.04
			117/2	0.04
			124/1	0.06
			124/2	0.02
			125	0.04
			124/4	0.02
			131, 132	0.04
			133, 136, 141, 142/2, 143	0.06
			144/1, 145/1, 146	0.06
			144/2, 145/2	0.02
			कुल पताढ़ी (निजी भूमि)	**0.68**
			कुल पताढ़ी (शासकीय भूमि)	0.12
			कुल पताढ़ी (निजी भूमि)	0.68
			कुल पताढ़ी की उपयोग हेतु प्रस्तावित भूमि	**0.80**

Korba, the 4th February 2012

FORM-B
[Under Sub Section (1) of Section 5]

Chhattisgarh Underground Pipelines (Acquisition of Right of User In Land) Act, 2004

No. 1521/Bhu-Bantan/Arjan/2011.—Whereas, it appears to the State Government that it is necessary in the public interest that for the transportation of Water from Hasdev River at Village-Kudurmal, Tehsil & District-Korba of Chhattisgarh State, an underground pipeline should be laid by M/s Lanco Amarkantak Power Limited, Village-Patadi, Post Office-Tilkeja, Tehsil/District-Korba (Chhattisgarh).

And whereas, it appears to the State Government that for the purpose of laying the said pipeline, it is necessary to acquired the Right of User in the land under which the said pipeline is proposed to be laid which is described in the schedule annexed to this notification.

Now, therefore, in the exercise of the power conferred by the Sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (07 of 2004). The State Government hereby. declare its intention to acquire the right of user herein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the publication of notification in the official gazette under Sub-section (1) of Section 3 of the Act. Object in writing to the laying of underground pipeline under the land to the Competent Authority Additional Collector, Korba Chhattisgarh.

SCHEDULE

District	Tehsil	Village/P.C.N.	Khasra No.	Land to be acquired for R.O.U. (in Acres)
(1)	(2)	(3)	(4)	(5)
Patadi (Government Land)				
Korba	Korba	Patadi/P.C.N. 17	27	0.02
			43/1क/2	0.04
			43/1ख, 43/1ग, 43/1ण, 43/1न	0.01
			43/1द	0.01
			43/1ढ़	0.01
			43/1क्ष	0.01
			128/3	0.02
			Sub Total Patadi (Government Land)	**0.12**
Patadi (Private Land)				
			3/5, 134, 135	0.03
			26/1	0.03
			28	0.02
			32	0.02
			33/1	0.02
			34/1	0.02
			39/1, 38/1, 41/2	0.04
			40	0.02
			41/1, 42/1	0.05
			116	0.03
			117/1	0.04
			117/2	0.04

(1)	(2)	(3)	(4)	(5)
			124/1	0.06
			124/2	0.02
			125	0.04
			124/4	0.02
			131, 132	0.04
			133, 136, 141, 142/2, 143	0.06
			144/1, 145/1, 146	0.06
			144/2, 145/2	0.02
			Patadi-Sub Total (Private Land)	**0.68**
			Patadi - Sub Total Government Land	0.12
			Patadi - Sub Total Private Land	0.68
			Patadi-Total of Proposed Land to be Used	**0.80**

कोरबा, दिनांक 4 फरवरी 2012

प्रारूप-ख

[नियम 5 का उपनियम (1) देखें]

छत्तीसगढ़ भूमिगत पाइपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004

क्रमांक 1521/भू-बंटन/अर्जन/2011.—राज्य सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि हसदेव नदी ग्राम-कुदुरमाल, तहसील/जिला-कोरबा (छत्तीसगढ़) से जल परिवहन हेतु ग्राम-पताढ़ी, तहसील/जिला-कोरबा (छत्तीसगढ़) तक मेसर्स लैंको अमरकंटक पावर लिमिटेड द्वारा भूमिगत पाइपलाईन बिछाई जानी चाहिए.

और राज्य सरकार को उक्त भूमिगत पाईपलाईन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें भूमिगत पाईपलाईन बिछायें जाने का प्रस्ताव है, जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए.

अतएव, राज्य सरकार एतद्द्वारा छत्तीसगढ़ भूमिगत पाईपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004 (क्रमांक 7 सन् 2004) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उस भूमि के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन अधिसूचना राजपत्र में प्रकाशित होने के, इक्कीस दिवस के भीतर, भूमि के नीचे पाईपलाईन बिछाये जाने के संबंध में, सक्षम प्राधिकारी, अपर कलेक्टर, कोरबा (छत्तीसगढ़) को लिखित रूप में आक्षेप भेज सकेगा.

अनुसूची

जिला	तहसील	ग्राम/प. ह. नं.	खसरा नंबर	उपयोग के अधिकार के लिए अर्जित की जाने वाली भूमि (एकड़ में)
(1)	(2)	(3)	(4)	(5)
खोड्डल (निजी भूमि)				
कोरबा	कोरबा	खोड्डल/प.ह.नं. 17	200/3, 201	0.10

(1)	(2)	(3)	(4)	(5)
			208/1	0.05
			202	0.02
			203/4	0.02
			203/5	0.02
			203/7	0.02
			203/8	0.02
			203/13	0.02
			कुल खोड्डल (निजी भूमि)	0.27
			कुल खोड्डल की उपयोग हेतु प्रस्तावित भूमि	0.27

Korba, the 4th February 2012

FORM-B

[Under Sub Section (1) of Section 5]

Chhattisgarh Underground Pipelines (Acquisition of Right of User In Land) Act, 2004

No. 1521/Bhu-Bantan/Arjan/2011.—Whereas, it appears to the State Government that it is necessary in the public interest that for the transportation of Water from Hasdev River at Village-Kudurmal, Tehsil & District-Korba of Chhattisgarh State, an underground pipeline should be laid by M/s Lanco Amarkantak Power Limited, Village-Patadi, Post Office-Tilkeja, Tehsil/District-Korba (Chhattisgarh).

And whereas, it appears to the State Government that for the purpose of laying the said pipeline, it is necessary to acquired the Right of User in the land under which the said pipeline is proposed to be laid which is described in the schedule annexed to this notification.

Now, therefore, in the exercise of the power conferred by the Sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (07 of 2004). The State Government hereby, declare its intention to acquire the right of user herein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the publication of notification in the official gazette under Sub-section (1) of Section 3 of the Act. Object in writing to the laying of underground pipeline under the land to the Competent Authority Additional Collector, Korba Chhattisgarh.

SCHEDULE

District (1)	Tehsil (2)	Village/P.C.N. (3)	Khasra No. (4)	Land to be acquired for R.O.U. (in Acres) (5)
Khoddle (Private Land)				
Korba	Korba	Khoddle/P.C.N. 17	200/3, 201	0.10
			208/1	0.05
			202	0.02
			203/4	0.02

(1)	(2)	(3)	(4)	(5)
			203/5	0.02
			203/7	0.02
			203/8	0.02
			203/13	0.02
			Khoddle-Sub Total (Private Land)	**0.27**
			Khoddle-Total of Proposed Land to be Used	**0.27**

कोरबा, दिनांक 4 फरवरी 2012

प्रारूप-ख

[नियम 5 का उपनियम (1) देखें]

छत्तीसगढ़ भूमिगत पाइपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004

क्रमांक 1521/भू-बंटन/अर्जन/2011.—राज्य सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि हसदेव नदी ग्राम-कुदुरमाल, तहसील/जिला-कोरबा (छत्तीसगढ़) से जल परिवहन हेतु ग्राम-पताढ़ी, तहसील/जिला-कोरबा (छत्तीसगढ़) तक मेसर्स लैंको अमरकंटक पावर लिमिटेड द्वारा भूमिगत पाइपलाईन बिछाई जानी चाहिए.

और राज्य सरकार को उक्त भूमिगत पाईपलाईन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें भूमिगत पाईपलाईन बिछाये जाने का प्रस्ताव है, जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए.

अतएव, राज्य सरकार एतद्द्वारा छत्तीसगढ़ भूमिगत पाईपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004 (क्रमांक 7 सन् 2004) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उस भूमि के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन अधिसूचना राजपत्र में प्रकाशित होने के, इक्कीस दिवस के भीतर, भूमि के नीचे पाईपलाईन बिछाये जाने के संबंध में, सक्षम प्राधिकारी, अपर कलेक्टर, कोरबा (छत्तीसगढ़) को लिखित रूप में आक्षेप भेज सकेगा.

अनुसूची

जिला	तहसील	ग्राम/प. ह. नं.	खसरा नंबर	उपयोग के अधिकार के लिए अर्जित की जाने वाली भूमि (एकड़ में)
(1)	(2)	(3)	(4)	(5)
कुदुरमाल (शासकीय भूमि)				
कोरबा	कोरबा	कुदुरमाल/प.ह.नं. 16	173/1	0.01
			273/1	0.01
			301/1क	0.20
			कुल कुदुरमाल (शासकीय भूमि)	**0.22**

(1)	(2)	(3)	(4)	(5)
कुदुरमाल (निजी भूमि)				
कोरबा	कोरबा	कुदुरमाल/प.ह.नं. 16	179/1, 283	0.06
			179/2	0.04
			180	0.04
			181/1	0.04
			182/2	0.02
			249/2, 250/2	0.03
			250/1	0.09
			250/4	0.08
			250/5	0.07
			282/1	0.08
			302, 305	0.05
			239/1	0.03
			239/2	0.05
			249/1	0.06
			251/1	0.06
			251/9	0.08
			251/3	0.05
			251/4	0.04
			251/6	0.04
			251/8	0.02
			257/1	0.04
			257/2	0.04
			257/3	0.02
			257/4	0.04
			257/5	0.04
			258/2	0.03
			258/3, 258/4	0.10
			262	0.06
			263/4	0.03
			264/1	0.02
			272/2	0.02
			273/2, 276	0.10
			278, 279, 282/3	0.10
			462/1	0.02
			462/2	0.03
			462/10	0.03
			कुल कुदुरमाल (निजी भूमि)	1.75
			कुल कुदुरमाल (शासकीय भूमि)	0.22
			कुल कुदुरमाल (निजी भूमि)	1.75
			कुल कुदुरमाल की उपयोग हेतु प्रस्तावित भूमि	1.97

Korba, the 4th February 2012

FORM-B

[Under Sub Section (1) of Section 5]

Chhattisgarh Underground Pipelines (Acquisition of Right of User In Land) Act, 2004

No. 1521/Bhu-Bantan/Arjan/2011.—Whereas, it appears to the State Government that it is necessary in the public interest that for the transportation of Water from Hasdev River at Village-Kudurmal, Tehsil & District-Korba of Chhattisgarh State, an underground pipeline should be laid by M/s Lanco Amarkantak Power Limited, Village-Patadi, Post Office-Tilkeja, Tehsil/District-Korba (Chhattisgarh).

And whereas, it appears to the State Government that for the purpose of laying the said pipeline, it is necessary to acquired the Right of User in the land under which the said pipeline is proposed to be laid which is described in the schedule annexed to this notification.

Now, therefore, in the exercise of the power conferred by the Sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (07 of 2004). The State Government hereby, declare its intention to acquire the right of user herein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the publication of notification in the official gazette under Sub-section (1) of Section 3 of the Act. Object in writing to the laying of underground pipeline under the land to the Competent Authority Additional Collector, Korba Chhattisgarh.

SCHEDULE

District	Tehsil	Village/P.C.N.	Khasra No.	Land to be acquired for R.O.U. (in Acres)
(1)	(2)	(3)	(4)	(5)
Kudurmal (Government Land)				
Korba	Korba	Kudurmal/	173/1	0.01
		P.C.N. 16	273/1	0.01
			301/1क	0.20
			Sub Total Kudurmal (Government Land)	**0.22**
Kudurmal (Private Land)				
			179/1, 283	0.06
			179/2	0.04
			180	0.04
			181/1	0.04
			182/2	0.02
			249/2, 250/2	0.03
			250/1	0.09
			250/4	0.08
			250/5	0.07
			282/1	0.08
			302, 305	0.05
			239/1	0.03
			239/2	0.05
			249/1	0.06

(1)	(2)	(3)	(4)	(5)
			251/1	0.06
			251/9	0.08
			251/3	0.05
			251/4	0.04
			251/6	0.04
			251/8	0.02
			257/1	0.04
			257/2	0.04
			257/3	0.02
			257/4	0.04
			257/5	0.04
			258/2	0.03
			258/3, 258/4	0.10
			262	0.06
			263/4	0.03
			264/1	0.02
			272/2	0.02
			273/2, 276	0.10
			278, 279, 282/3	0.10
			462/1	0.02
			462/2	0.03
			462/10	0.03
		Kudurmal-Sub Total (Private Land)		1.75
		Kudurmal-Sub Total (Government Land)		0.22
		Kudurmal-Sub Total (Private Land)		1.75
		Kudurmal-Total of Proposed Land to be Used		1.97

कोरबा, दिनांक 4 फरवरी 2012

प्रारूप-ख

[नियम 5 का उपनियम (1) देखें]

छत्तीसगढ़ भूमिगत पाइपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004

क्रमांक 1521/भू-बंटन/अर्जन/2011.—राज्य सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि हसदेव नदी ग्राम-कुदुरमाल, तहसील/जिला-कोरबा (छत्तीसगढ़) से जल परिवहन हेतु ग्राम-पताढ़ी, तहसील/जिला-कोरबा (छत्तीसगढ़) तक मेसर्स लैंको अमरकंटक पावर लिमिटेड द्वारा भूमिगत पाइपलाईन बिछाई जानी चाहिए.

और राज्य सरकार को उक्त भूमिगत पाईपलाईन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें भूमिगत पाईपलाईन बिछाये जाने का प्रस्ताव है, जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए.

अतएव, राज्य सरकार एतद्द्वारा छत्तीसगढ़ भूमिगत पाईपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004 (क्रमांक 7 सन् 2004) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उस भूमि के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन अधिसूचना राजपत्र में प्रकाशित होने के, इक्कीस दिवस के भीतर, भूमि के नीचे पाईपलाईन बिछाये जाने के संबंध में, सक्षम प्राधिकारी, अपर कलेक्टर, कोरबा (छत्तीसगढ़) को लिखित रूप में आक्षेप भेज सकेगा.

अनुसूची

जिला	तहसील	ग्राम/प. ह. नं.	खसरा नंबर	उपयोग के अधिकार के लिए अर्जित की जाने वाली भूमि (एकड़ में)
(1)	(2)	(3)	(4)	(5)
देवरमाल (शासकीय भूमि)				
कोरबा	कोरबा	देवरमाल/प.ह.नं. 16	796/1	0.01
			796/2	0.01
			कुल देवरमाल (शासकीय भूमि)	**0.02**
देवरमाल (निजी भूमि)				
			783	0.03
			786/1	0.03
			791/1	0.03
			822/1	0.02
			786/2	0.02
			786/4	0.02
			786/3	0.02
			786/5	0.02
			821/2	0.02
			822/6	0.02
			787/1	0.04
			787/2	0.03
			787/3	0.03
			788/1, 788/2	0.03
			789/4	0.03
			789/6	0.04
			789/5	0.05
			791/2	0.04
			792/2	0.02
			795/1	0.02
			801/2	0.05
			814/1, 820/1	0.05
			815/1	0.03
			815/2	0.04
			832/2	0.03
			819/2	0.02
			822/2	0.02
			825	0.02
			826/1	0.02
			826/2	0.02
			832/1	0.03
			828/1	0.03

(1)	(2)	(3)	(4)	(5)
			831	0.03
			828/2	0.03
			829/1	0.02
			830	0.02
			कुल देवरमाल (निजी भूमि)	**1.02**
			कुल देवरमाल (शासकीय भूमि)	0.02
			कुल देवरमाल (निजी भूमि)	1.02
			कुल देवरमाल की उपयोग हेतु प्रस्तावित भूमि	**1.04**

Korba, the 4th February 2012

FORM-B

[Under Sub Section (1) of Section 5]

Chhattisgarh Underground Pipelines (Acquisition of Right of User In Land) Act, 2004

No. 1521/Bhu-Bantan/Arjan/2011.—Whereas, it appears to the State Government that it is necessary in the public interest that for the transportation of Water from Hasdev River at Village-Kudurmal, Tehsil & District-Korba of Chhattisgarh State, an underground pipeline should be laid by M/s Lanco Amarkantak Power Limited, Village-Patadi, Post Office-Tilkeja; Tehsil/District-Korba (Chhattisgarh).

And whereas, it appears to the State Government that for the purpose of laying the said pipeline, it is necessary to acquired the Right of User in the land under which the said pipeline is proposed to be laid which is described in the schedule annexed to this notification.

Now, therefore, in the exercise of the power conferred by the Sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (07 of 2004). The State Government hereby, declare its intention to acquire the right of user herein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the publication of notification in the official gazette under Sub-section (1) of Section 3 of the Act. Object in writing to the laying of underground pipeline under the land to the Competent Authority Additional Collector, Korba Chhattisgarh.

SCHEDULE

District	Tehsil	Village/P.C.N.	Khasra No.	Land to be acquired for R.O.U. (in Acres)
(1)	(2)	(3)	(4)	(5)
Dewarmal (Government Land)				
Korba	Korba	Dewarmal/ P.C.N. 16	796/1	0.01
			796/2	0.01
			Sub Total Dewarmal (Government Land)	**0.02**

(1)	(2)	(3)	(4)	(5)
Dewarmal (Private Land)				
			783	0.03
			786/1	0.03
			791/1	0.03
			822/1	0.02
			786/2	0.02
			786/4	0.02
			786/3	0.02
			786/5	0.02
			821/2	0.02
			822/6	0.02
			787/1	0.04
			787/2	0.03
			787/3	0.03
			788/1, 788/2	0.03
			789/4	0.03
			789/6	0.04
			789/5	0.05
			791/2	0.04
			792/2	0.02
			795/1	0.02
			801/2	0.05
			814/1, 820/1	0.05
			815/1	0.03
			815/2	0.04
			832/2	0.03
			819/2	0.02
			822/2	0.02
			825	0.02
			826/1	0.02
			826/2	0.02
			832/1	0.03
			828/1	0.03
			831	0.03
			828/2	0.03
			829/1	0.02
			830	0.02
			Dewarmal-Sub Total (Private Land)	**1.02**
			Dewarmal-Sub Total (Government Land)	0.02
			Dewarmal-Sub Total (Private Land)	1.02
			Dewarmal-Total of Proposed Land to be Used	**1.04**

कोरबा, दिनांक 4 फरवरी 2012

प्रारूप-ख

[नियम 5 का उपनियम (1) देखें]

छत्तीसगढ़ भूमिगत पाइपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004

क्रमांक 1521/भू-बंटन/अर्जन/2011.—राज्य सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि हसदेव नदी ग्राम-कुदुरमाल, तहसील/जिला-कोरबा (छत्तीसगढ़) से जल परिवहन हेतु ग्राम-पताढ़ी, तहसील/जिला-कोरबा (छत्तीसगढ़) तक मेसर्स लैंको अमरकंटक पावर लिमिटेड द्वारा भूमिगत पाइपलाईन बिछाई जानी चाहिए.

और राज्य सरकार को उक्त भूमिगत पाईपलाईन बिछाने के लिए यह आवश्यक प्रतीत होत. है कि उस भूमि में, जिसमें भूमिगत पाइपलाइन बिछाये जाने का प्रस्ताव है, जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए.

अतएव, राज्य सरकार एतद्द्वारा छत्तीसगढ़ भूमिगत पाईपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004 (क्रमांक ... सन् 2004) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उस भूमि के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन अधिसूचना राजपत्र में प्रकाशित होने के, इक्कीस दिवस के भीतर, भूमि के नीचे पाईपलाईन बिछाये जाने के संबंध में, सक्षम प्राधिकारी, अपर कलेक्टर, कोरबा (छत्तीसगढ़) को लिखित रूप में आक्षेप भेज सकेगा.

अनुसूची

जिला	तहसील	ग्राम/प. ह. नं.	खसरा नंबर	उपयोग के अधिकार के लिए अर्जित की जाने वाली भूमि (एकड़ में)
(1)	(2)	(3)	(4)	(5)
उरगा (शासकीय भूमि)				
कोरबा	कोरबा	उरगा/प.ह.नं. 17	1267	0.02
			कुल उरगा (शासकीय भूमि)	**0.02**
उरगा (निजी भूमि)				
			1149/1	0.03
			1149/2	0.04
			1150	0.02
			1151	0.04
			1153/1	0.05
			1153/2	0.03
			1153/3	0.02
			1153/6	0.06
			1154/1	0.03
			1162/1ङ	0.04
			1162/1श	0.02
			1164, 1165/1, 1166	0.04
			1165/3	0.04
			1165/4	0.03

(1)	(2)	(3)	(4)	(5)
			1172	0.03
			1174	0.03
			1176	0.02
			1179	0.02
			1185	0.03
			1173/1, 1175/1, 1177/1	0.03
			1173/3, 1175/3, 1177/3	0.03
			1173/4, 1175/4, 1177/4	0.03
			1186	0.02
			कुल उरगा (निजी भूमि)	**0.73**
			कुल उरगा (शासकीय भूमि)	0.02
			कुल उरगा (निजी भूमि)	0.73
			कुल उरगा की उपयोग हेतु प्रस्तावित भूमि	**0.75**

Korba, the 4th February 2012

FORM-B

[Under Sub Section (1) of Section 5]

Chhattisgarh Underground Pipelines (Acquisition of Right of User In Land) Act, 2004

No. 1521/Bhu-Bantan/Arjan/2011.—Whereas, it appears to the State Government that it is necessary in the public interest that for the transportation of Water from Hasdev River at Village-Kudurmal, Tehsil & District-Korba of Chhattisgarh State, an underground pipeline should be laid by M/s Lanco Amarkantak Power Limited, Village-Patadi, Post Office-Tilkeja, Tehsil/District-Korba (Chhattisgarh).

And whereas, it appears to the State Government that for the purpose of laying the said pipeline, it is necessary to acquired the Right of User in the land under which the said pipeline is proposed to be laid which is described in the schedule annexed to this notification.

Now, therefore, in the exercise of the power conferred by the Sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (07 of 2004). The State Government hereby, declare its intention to acquire the right of user herein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the publication of notification in the official gazette under Sub-section (1) of Section 3 of the Act. Object in writing to the laying of underground pipeline under the land to the Competent Authority Additional Collector, Korba Chhattisgarh.

SCHEDULE

District	Tehsil	Village/P.C.N.	Khasra No.	Land to be acquired for R.O.U. (in Acres)
(1)	(2)	(3)	(4)	(5)
Urga (Government Land)				
Korba	Korba	Urga/P.C.N. 17	1267	0.02
			Sub Total Urga (Government Land)	**0.02**

(1)	(2)	(3)	(4)	(5)
Urga (Private Land)				
			1149/1	0.03
			1149/2	0.04
			1150	0.02
			1151	0.04
			1153/1	0.05
			1153/2	0.03
			1153/3	0.02
			1153/6	0.06
			1154/1	0.03
			1162/1ङ	0.04
			1162/1श	0.02
			1164, 1165/1, 1166	0.04
			1165/3	0.04
			1165/4	0.03
			1172	0.03
			1174	0.03
			1176	0.02
			1179	0.02
			1185	0.03
			1173/1, 1175/1, 1177/1	0.03
			1173/3, 1175/3, 1177/3	0.03
			1173/4, 1175/4, 1177/4	0.03
			1186	0.02
			Urga-Sub Total (Private Land)	**0.73**
			Urga-Sub Total (Government Land)	0.02
			Urga-Sub Total (Private Land)	0.73
			Urga-Total of Proposed Land to be Used	**0.75**

कोरबा, दिनांक 4 फरवरी 2012

प्रारूप-ख

[नियम 5 का उपनियम (1) देखें]

छत्तीसगढ़ भूमिगत पाइपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004

क्रमांक 152.1/भू-बंटन/अर्जन/2011.—राज्य सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि हसदेव नदी ग्राम-कुदुरमाल, तहसील/जिला-कोरबा (छत्तीसगढ़) से जल परिवहन हेतु ग्राम-पताढ़ी, तहसील/जिला-कोरबा (छत्तीसगढ़) तक मेसर्स लैंको अमरकंटक पावर लिमिटेड द्वारा भूमिगत पाइपलाईन बिछाई जानी चाहिए.

और राज्य सरकार को उक्त भूमिगत पाईपलाईन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें भूमिगत पाईपलाईन बिछाये जाने का प्रस्ताव है, जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए.

अतएव, राज्य सरकार एतद्द्वारा छत्तीसगढ़ भूमिगत पाईपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004 (क्रमांक 7 सन् 2004) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उस भूमि के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन अधिसूचना राजपत्र में प्रकाशित होने के, इक्कीस दिवस के भीतर, भूमि के नीचे पाईपलाईन बिछाये जाने के संबंध में, सक्षम प्राधिकारी, अपर कलेक्टर, कोरबा (छत्तीसगढ़) को लिखित रूप में आक्षेप भेज सकेगा.

अनुसूची

जिला	तहसील	ग्राम/प. ह. नं.	खसरा नंबर	उपयोग के अधिकार के लिए अर्जित की जाने वाली भूमि (एकड़ में)
(1)	(2)	(3)	(4)	(5)
सेमीपाली (निजी भूमि)				
कोरबा	कोरबा	सेमीपाली/प.ह.नं. 17	475/3	0.03
			476/1	0.02
			476/2	0.02
			476/4	0.02
			497	0.02
			498	0.02
			499	0.04
			500	0.02
			502/1	0.02
			502/2	0.02
			503	0.01
			504	0.03
			505/1	0.02
			505/2	0.03
			कुल सेमीपाली (निजी भूमि)	**0.32**
			कुल सेमीपाली की उपयोग हेतु प्रस्तावित भूमि	**0.32**

Korba, the 4th February 2012

FORM-B
[Under Sub Section (1) of Section 5]

Chhattisgarh Underground Pipelines (Acquisition of Right of User In Land) Act, 2004

No. 1521/Bhu-Bantan/Arjan/2011.—Whereas, it appears to the State Government that it is necessary in the public interest that for the transportation of Water from Hasdev River at Village-Kudurmal, Tehsil & District-Korba of Chhattisgarh State, an underground pipeline should be laid by M/s Lanco Amarkantak Power Limited, Village-Patadi, Post Office-Tilkeja, Tehsil/District-Korba (Chhattisgarh).

And whereas, it appears to the State Government that for the purpose of laying the said pipeline, it is necessary to acquired the Right of User in the land under which the said pipeline is proposed to be laid which is described in the schedule annexed to this notification.

Now, therefore, in the exercise of the power conferred by the Sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (07 of 2004). The State Government hereby, declare its intention to acquire the right of user herein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the publication of notification in the official gazette under Sub-section (1) of Section 3 of the Act. Object in writing to the laying of underground pipeline under the land to the Competent Authority Additional Collector, Korba Chhattisgarh.

SCHEDULE

District	Tehsil	Village/P.C.N.	Khasra No.	Land to be acquired for R.O.U. (in Acres)
(1)	(2)	(3)	(4)	(5)
Semipali (Private Land)				
Korba	Korba	Semipali/P.C.N. 17	475/3	0.03
			476/1	0.02
			476/2	0.02
			476/4	0.02
			497	0.02
			498	0.02
			499	0.04
			500	0.02
			502/1	0.02
			502/2	0.02
			503	0.01
			504	0.03
			505/1	0.02
			505/2	0.03
			Semipali-Sub Total (Private Land)	**0.32**
			Semipali-Total of Proposed Land to be Used	**0.32**

कोरबा, दिनांक 4 फरवरी 2012

प्रारूप-ख

[नियम 5 का उपनियम (1) देखें]

छत्तीसगढ़ भूमिगत पाइपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004

क्रमांक 1521/भू-बंटन/अर्जन/2011.—राज्य सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि हसदेव नदी ग्राम-कुदुरमाल, तहसील/जिला-कोरबा (छत्तीसगढ़) से जल परिवहन हेतु ग्राम-पताढ़ी, तहसील/जिला-कोरबा (छत्तीसगढ़) तक मेसर्स लैंको अमरकंटक पावर लिमिटेड द्वारा भूमिगत पाइपलाईन बिछाई जानी चाहिए.

और राज्य सरकार को उक्त भूमिगत पाईपलाईन बिछाने के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें भूमिगत पाईपलाईन बिछाये जाने का प्रस्ताव है, जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए.

अतएव, राज्य सरकार एतद्द्वारा छत्तीसगढ़ भूमिगत पाईपलाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004 (क्रमांक 7 सन् 2004) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उस भूमि के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन अधिसूचना राजपत्र में प्रकाशित होने के, इक्कीस दिवस के भीतर, भूमि के नीचे पाईपलाईन बिछाये जाने के संबंध में, सक्षम प्राधिकारी, अपर कलेक्टर, कोरबा (छत्तीसगढ़) को लिखित रूप में आक्षेप भेज सकेगा.

अनुसूची

जिला	तहसील	ग्राम/प. ह. नं.	खसरा नंबर	उपयोग के अधिकार के लिए अर्जित की जाने वाली भूमि (एकड़ में)
(1)	(2)	(3)	(4)	(5)
अखरापाली (निजी भूमि)				
कोरबा	कोरबा	अखरापाली/प.ह.नं. 16	545/1, 553/1	0.08
			545/2, 553/2	0.07
			551/1	0.01
			546/1	0.02
			546/2	0.02
			549	0.05
			550/3	0.03
			550/4	0.03
			550/5	0.02
			551/2	0.02
			कुल अखरापाली (निजी भूमि)	**0.35**
			कुल अखरापाली की उपयोग हेतु प्रस्तावित भूमि	**0.35**

Korba, the 4th February 2012

FORM-B

[Under Sub Section (1) of Section 5]

Chhattisgarh Underground Pipelines (Acquisition of Right of User In Land) Act, 2004

No. 1521/Bhu-Bantan/Arjan/2011.—Whereas, it appears to the State Government that it is necessary in the public interest that for the transportation of Water from Hasdev River at Village-Kudurmal, Tehsil & District-Korba of Chhattisgarh State, an underground pipeline should be laid by M/s Lanco Amarkantak Power Limited, Village-Patadi, Post Office-Tilkeja, Tehsil/District-Korba (Chhattisgarh).

And whereas, it appears to the State Government that for the purpose of laying the said pipeline, it is necessary to acquired the Right of User in the land under which the said pipeline is proposed to be laid which is described in the schedule annexed to this notification.

Now, therefore, in the exercise of the power conferred by the Sub-section (1) of Section 3 of the Chhattisgarh Underground Pipelines (Acquisition of Right of User in Land) Act, 2004 (07 of 2004). The State Government hereby, declare its intention to acquire the right of user herein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the publication of notification in the official gazette under Sub-section (1) of Section 3 of the Act. Object in writing to the laying of underground pipeline under the land to the Competent Authority Additional Collector, Korba Chhattisgarh.

SCHEDULE

District	Tehsil	Village/P.C.N.	Khasra No.	Land to be acquired for R.O.U. (in Acres)
(1)	(2)	(3)	(4)	(5)
Akhrapali (Private Land)				
Korba	Korba	Akhrapali/ P.C.N. 16	545/1, 553/1	0.08
			545/2, 553/2	0.07
			551/1	0.01
			546/1	0.02
			546/2	0.02
			549	0.05
			550/3	0.03
			550/4	0.03
			550/5	0.02
			551/2	0.02
			Akhrapali-Sub Total (Private Land)	**0.35**
			Akhrapali-Total of Proposed Land to be Used	**0.35**

एस. आर. साहू,
अपर कलेक्टर.

निर्वाचन आयोग, भारत की अधिसूचनाएं

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली 110001

नई दिल्ली, तारीख 29 जुलाई, 2011—7 श्रावण, 1933 (शक)

सं. 82/छ.ग./(15/2009)/2011.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग एतद्द्वारा निर्वाचन अर्जी सं. 15/2009 में दिये गये छत्तीसगढ़ उच्च न्यायालय, बिलासपुर के तारीख 17 अगस्त, 2010 के आदेश को प्रकाशित करता है.

आदेश से,

हस्ता./-
(के. अजय कुमार)
प्रधान सचिव,
भारत निर्वाचन आयोग.

HIGH COURT OF CHHATTISGARH, BILASPUR

Election Petition No. 15 of 2009

PETITIONER : Sambhu Prasad Sharma, aged about 62 Years, S/o late Shri Bansgopal Sharma, Village and Post Seoni, Tahsil Marwahi, District Bilaspur (CG)

VERSUS

RESPONDENTS :

1. Returning Officer Election Office Korba, 04. Korba Lok Sabha, Area Korba, Tahsil & District Korba (CG)

2. Shri Charan Das Mahant, aged about 54 years, S/o late Shri Bisahu Das Mahant, Village and Post Saragaon, District Janjgir-Champa (CG)

3. Smt. Karuna Shukla, aged about 59 years, W/o Shri Madhav Prasad Shukla, R/o Shankar Nagar (Anand Nagar) Tahsil & District Raipur (CG)

4. Smt. Vijay Laxmi Sharma, aged about 41 years, W/o Shri Pramod Kumar Sharma, Quarter No. 254/B 1, Balco Nagar, Korba, District Korba (CG)

5. Shri Kedar Nath Rajwade, S/o Shri Hiralal Rajwade, aged about 28 years, R/o Quarter No. 175/1 K, Village Tenduwa, Tahsil-Baikunthpur, District Koriya (CG)

6. Smt. Chaiti Devi Mahant, W/o Shri Kashidas, aged about 49 years, R/o N. D. 26-CSEB, East Korba (CG)

7. Shri Budhwar Singh Uikey, S/o Shri Ganpat Singh, aged about 34 years, R/o Korbi, Post Suttarra, Tahsil Podi-up-Roda, District Korba (CG)

8. Dr. Shri Vipin Sinha, S/o Shri R. P. Sinha, aged about 40 years, R/o B 70 C M P D I Colony Post Kusmunda, District Korba (CG)

9. Smt. Sangita Nirmalkar, W/o Shri Ram Bahoran, aged about 32 years, R/o Quarter No. 17, Ward No. 35, Torwa, Bilaspur (CG)

10. Shri Hira Singh Markam, S/o late Shri Deo Sai Markam, aged about 74 years. R/o Village and Post Tiwrata, Tahsil Pali, District Korba (CG)

11. Shri Gend Das Mahant, S/o Shri Girwar Das Mahant, aged about 35 years, R/o Kashi Nagar Korba, Ward No. 16, Quarter No. 105/K, Tahsil and District Korba (CG)

12. Shri Charan Das Panika, S/o Shri Hari Das Panika, aged about 25 years, R/o Village Kendai Khar, Post Jamni Pali, Tahsil Katghora District Korba (CG)

13. Shri Pawan Kumar, S/o Shri Matadeen, aged about, 38 years, R/o Pali Road, Dipka, Tahsil Katghora, District Korba (CG)

14. Shri Kuleshwar Prasad Sarajaiha, S/o Shri Ramnath, aged about 75 years, R/o Village Gajra, Post Banki Mongra, Tahsil Katghora, District Korba (CG)

15. Shri Ram Dayal Uraon, S/o late Shri Anandram aged about 49 years, R/o Village Pathadhi, Post Tilkeja, Tahsil and District Korba (CG)

16. Shri Ram Lakhan Kashi, S/o late Shri Mandhari Kashi, aged about 68 years, R/o Gram Nagar, Post Nagar, Tahsil Baikunthpur, District Koriya (CG)

17. Smt. Satrupa, W/o late Shri Ramashankar, aged about 37 years, R/o G-19, Narbada Nagar Asindda Tahsil Khandawa, District Khandawa (MP)

18. Shri Santosh Banjare, S/o Shri Netram Banjare, aged about 25 years, R/o Ekta Nagar, Quarter No. 380, Khongha Pani, District Koriya (CG) 497447

Present :

Shri Ram Kumar Tiwari with Shri Ram Krishna Sharma, counsel for the petitioner.
Shri Yashwant Singh Thakur, counsel for respondent No. 1
Shri Rajeev Shrivastava, counsel for respondent No. 2

ORDER

(Passed on 17th August, 2010)

DHIRENDRA MISHRA, J.

1. Heard on I. A. No. 1

2. By this application under Order 7 Rules 11 (a) & (d) of the CPC, 1908 read with Section 86 (1) of the Representation of the People Act, 1951, (hereinafter referred to as 'the Act of 1951') the respondent No. 2 has prayed for dismissal of the election petition on the ground that the petition does not disclose any cause of action and there is non- compliance of Sections 81 and 82 of the Act of 1951.

3. The Petitioner has challenged the election of respondent No. 2 as a Member of Parliament from the Parliamentary Constituency No. 4, Korba in the general election held in the year 2009 on the ground that all other candidates including respondent No. 2, the elected candidate, did not file affidavits in Form No. 3 K- (III) showing debts and dues of the Government and thus, nomination papers filed by them were incomplete and invalid within the meaning of Section 33-A and 33-B of the Act of 1951 and their nomination was liable to be rejected during scrutiny by respondent No. 1. Respondent No. 1 vide its order dated 31st January, 2009 rejected the objection of the petitoner against accepting nomination papers of respondents No. 2 to 18.

4. Shri Rajeev Shrivastava, learned counsel appearing on behalf of respondent No. 2 submitted that the petitioner has failed to plead the material fact and material particulars and averments in the petition do not disclose any casuse of action. The Supreme Court in the matter of Union of India Versus Association For Democratic Reforms and another reported in (2002) 5 SCC 294 issued certain directions in paragraph-48 of the judgment and the Commission was directed to call for information on affidavit from each candidate seeking election to Parliament or the State Legislative Assembly, as necessay part of his nomination paper furnishing therein information regarding assets (immovable, movable, bank balance etc) of a candidate and of his/her spouse and that of the dependents, appart from other information. In compliance of the aforesaid directions, the Election Commission of India (for brevity 'the ECI') issued an order on 26-8-2002 directing every candidate that while filing nomination papers they would submit an affidavit with regard to all the 5matters mentioned in paragraph-48 of the Supreme Court's order dated 2nd May, 2002. However, in view of the subsequent order of the Supreme Court passed in the matter of People's Union for Civil Liberties (PUCL) and another Versus Union of India and another, { (2003) 4 SCC 399, the ECI in supersession of its eariler order dated 28-6-2002 issued fresh order on 27-3-2003. From perusal of the order of the Supreme Court dated 2nd May, 2002 and the circular issued in compliance thereof, it is clear that a candidate is required to file affidavit with regard to "Liabilites, if any, particularly whether there are any over dues of any public financial institution or government dues". In the absence of any specific averment in the election petition regarding undischarged liabilility of public financial institution or government dues, the petition is lacking in material facts and particulars and the same does not disclose any cause of action and the petition deserves to be dismissed *in limine*. The petitioner has also not pleaded or filed the objection taken by him before the returning officer for rejection of nomination papers of other candidates. From perusal of the order of the returning officer dated 31st March, 2009 (Annexure-P/3) by which objection against the nomination papers of other candidates has been rejected, it is evident that the Returning Officer after examining record found the objections factually incorrect.

The petition is also liable to be dismissed on the ground of incorrect verification, as pleadings in the petition are based on personal knowledge of the petitioner whereas, issue raised by the petitioner is to be verified only on the basis of information on record.

Lastly, it was argued that the petition is also liable to be dismissed for mis-joinder of the parties, as the petitioner has impleaded returning officer as respondent No. 1.

5. A specific preliminary objection has been taken on behalf of respondent No. 1 that returning officer cannot be arrayed as party in an election petition in view of the specific provisions under Section 82 of the Act of 1951, which deals with parties to the petition. However, the petitioner has asserted that respondent No. 1 is a necessary party and has not moved any application for deleting the name of respondent No. 1 from the array of the respondents and has only stated that the petitioner is ready to obey any order pertaining to deletion of respondent No.1. It was further argued that annexures and documents filed by the petitioner have not been properly verified as required under Section 83 (2) of the Act of 1951.

6. On the other hand, Shri Ram Kumar Tiwari, learned counsel appearing on behalf of the petitioner submitted that the ECI in compliance of the directions of the Supreme Court in the matter of Association For Democratic Reforms and another (judgment dated 2nd May, 2002), directed that every candidate in election while filing nomination paper shall submit an affidavit in prescribed format annexed as Schedule I. It was specifically mentioned that non-filing of affidavit in the format (Annexure-P/6) along with nomination paper would constitue contempt of the Supreme Court and returning officer shall reject the nomination paper at the time of scrutiny (Annexure-P/2, para-5). Respondents No. 2 to 18 did not file affidavit in the prescribed format (Annexure-P/6). The petitioner filed an objection before the returning officer at the time of scrutiny on 30th March, 2009 for rejecting their nomination papers, however, objection of the petitioner was rejected vide Annexure-P/3. Acceptance of nomination papers of respondents No. 2 to 18 is contrary to the provisions of Section 100 (1) (d) (i) (iv) of the Act of 1951. The only objection of the petitioner against acceptance of nomination papers of other candidates is that they did not file affidavit in the format (Annexure-P/6) which is mandatory requirement, as per orders of the Election Commission dated 28th June, 2002 and 27th March, 2003, which were issued in compliance of the directions of the Supreme Court. It is not the allegation of the petitioner that other candidates have any undischarged liability towards public financial institution or Government loan and, therefore, objection regarding lack of material pleadings with respect to such allegations does not arise. So far as other objections regarding defect of verification of the pleadings and documents is concerned, election petition cannot be dismissed *in limine* only on this ground and such defects may be subsquently rectified. Even otherwise, allegations in the petition and documents annexed with the petition have been duly verified by the petitioner. The petitioner has already undertaken to delete the name of respondent No. 1 from the array of the respondents and, therefore, election petition cannot be dismissed on the ground of mis-joinder of the parties.

7. I have heard learned counsel for the parties, perused the election petition and the documents annexed with this petition.

8. From perusal of the order of the returning officer (Annexure-P/3) whereby objection of the petitioner raised at the time of scrutiny of nomination papers against nomination papers filed by other candidates has been rejected, it appears that the petitioner contended before the returning officer that other candidates have not annexed their affidavits in form - 3 (ka) (III) apart from other objections. The returning officer after examination of the nomination papers observed that the candidates have filed affidavits along with their nomination papers and signed before him as per directions of the Election Commission in the prescribed format (Annexure-22). After scrutiny, he did not find any fact/basis which goes contrary to the directions of the Election Commission.

9. Referring to the direction contained in Chapter-VI (para-10.1) of handbook of the Returning Officer, it has been observed that where an affidavit has been filed, in that case, nomination paper cannot be rejected on the ground that it is incomplete or defective.The petitioner has neither pleaded nor filed objections submitted by him before the returning officer on 30th March, 2009 against nomination papers of other candidates. He has also not filed affidavits/nomination papers filed by the other candidates which finds reference in the order of Annexure-P/3 by which his objection has been rejected.

10. In Association For Democratic Reforms and another (Supra), the Supreme Court held that jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word "elections" is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps. Interpreting Article 324 of the Constitution of India, it has been held that Article 324 is a reservoir of power to act for the avowed purpose of having free and fair elections. The Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing necessary directions, the Commission can fill the vacuum till there is legislation on the subject. In para-48 of the above judgment, it has been observed thus :-

> "The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under Article 324 of the Constitution of India from each candidate seeking election to Parliament or a State Legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature :

(1) Whether the candidate is convicted/acquitted/discharged of any criminal offence in the past - if any, whether he is punished with imprisonment or fine.

(2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.

(3) The assets (immovable, movable, bank balance, etc.) of a candidate and of his/her spouse and that of dependents.

(4) Liabilities, if any, particularly whether there are any overdues of any public financial institution or government dues.

(5) The educational qualifications of the candidate."

11 The Act of 1951 was amended vide the Representation of the People (Amendment) Oradinace, 2002 (4 of 2002), promulgated on 24-8-2002. Later on the Ordinance was replaced by the Representation of the People (Third Amendment) Act, 2002 (72 of 2002), which came into force w. e. f. 28th December, 2002 and Sections 33-A and 33-B was inserted. Constitutional validity of Section 33-B was challenged and the Supreme Court vide its judgment dated 13th March, 2003 in the case of People's Union For Civil Liberties (PUCL) and another (Supra), held that Section 33-B inserted in the Act of 1951 by amendment does not pass the test of Constitutionality and the same was declared invalid being violative of Article 19 (1) (a) of the Constitution.

12. In the light of directions contained in the case of People's Union For Civil Liberties (PUCL) and another (Supra), the Election Commission of India in Chapter V of Annexure-X of the Handbook For Returning Officers ordered in paragraphs-16 and 17 as under :-

"16. Now, therefore, the Election Commission, in pursuance of the above referred order dated 13th March, 2003, of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, of superintendence, direction and control, inter alia, of conduct of elections to Parliament and State Legislatures, hereby issues, in supersession of its earlier order dated 28th June, 2002, its revised directions as follows :-

(1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.

(2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary public or a Commissioner of Oaths appointed by the High Court of the State concerned.

(3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.

(4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.

(5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.

17. For the removal of doubt, it is hereby clarified that the earlier direction contained in para 14 (4) of the earlier order dated 28th June, 2002, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of funishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13th March, 2003 of the Apex Court. It is further clarified that apart from the affidavit in Annexure-I hereto referred to in para 16 (1) above, the candidate shall have to comply with all the other requirements as spelt out in the Representation of the People Act, 1951, as amended by the Representation of the People (Third Amendment) Act, 2002, and the Conduct of Election Rules, 1961, as amended by the Conduct of Elections (Amendment) Rules, 2002."

13. From perusal of the judgment of the Supreme Court in the matter of Association For Democratic Reforms and another (Supra) (Paragraph-48) and directions issued by the ECI in pursuance thereof on 28-6-2002 and 27th March, 2003, it is clear that every candidate was required to file information with respect to liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues in the format appended as Annexure-I with the order dated 27th March, 2003 of the ECI.

14. From perusal of the order of Annexure-P/3, it is clear that affidavits have been sworn in by respondents No. 2 to 18 and the returning officer did not find any defects in the affidavits as per orders/directions of the Election Commission, on the basis of which their nomination papers could be rejected. Disclosures about undischarged liability towards public financial institutions or Government loan, if any, are to be made in the format enclosed with the order dated 27th March, 2003 of the ECI.

15. From perusal of Annexure-P/3, I have also observed that returning officer rejected the objection of the petitioner and accepted the nomination papers of other candidates as valid by observing that necessary affidavits in the prescribed format have been submitted by them. The petitioner has not filed affidavits of other candidates and it is not the allegation of the petitioner that respondents No. 2 to 18 have any undischarged liability towards public financial institutions or any Government loan. In the absence of any material fact to establish that other candidates did not file necesary affidavit in format Annexure-I appended with the order dated 27th March, 2003, and keeping in view the order of Annexure-P/3, which reveals that other cadidates had submitted affidavits in the prescribed format as per guidelines of the ECI, I find substance in the argument of learned counsel for respondent No. 2 that even if the entire allegations present in the petition is accepted, the same does not disclose any cause of action to the petitioner and there is no triable issue before this Court for adjudication of this election petition.

16. The only ground urged in the election petition is that respondent No. 2 to 18 did not submit necessary information on affidavit in the prescribed format as per para-3 (A) of Annexure-I annexed with the order dated 27th March, 2003 of the ECI. The affidavits filed by other candidates have not been annexed with the petition nor there is any specific pleading in this regard. Respondent No. 2 in his return, in para-8.4, in reply to para-5 of the petition, has specifically denied the above allegation and has specifically averred that the answering respondent has filed the affidavit as required under the law. In spite of above specific denial of respondent No. 2, the petitioner has failed to supply necessary material particulars to establish that affidavits sworn by other candidates were not in accordance with the requirement of the order of the ECI dated 27th March, 2003 or they were not in format of Annexure-I.

17. On the basis of aforesaid discussion, I am of the opinion that the petitioner has failed to disclose all material facts on which the election petitioner relies to establish the existence of a cause of action. In the absence of material facts and insufficient cause of action, the election petition is liable to be dismissed. It is a settled legal position that an election petition must clearly and unambiguously set out all the material facts which the petitioner is to rely upon during the trial, and it must reveal a clear and complete picture of the circumstances and should disclose a definite cause of action. In the absence of the above, an election petition can be summarily dismissed, as has been held by the Hon'ble Supreme Court in the matter of Laxmi Kant Bajpai Versus Hazi Yaqoob & others [2009 (8) Supreme 129].

18. In view of the aforesaid finding, it is not necessary to consider other issues raised by the respondents

19. In the result, the application is allowed. The election petition is dismissed on the ground that the petitioner has failed to disclose all material facts on which he relies to establish the existence of a cause of action.

Sd/-
Dhirendra Mishra
EJ Judge

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

New Delhi, Dated 29th July, 2011—7 Sravana, 1933 (Saka)

No. 82/CGH/(15/2009)/2011 .— In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby published Order dated the 17th August, 2010 of the High Court of Chhattisgarh, Bilaspur in Election Petition No. 15 of 2009.

By order,

Sd/-
(K. AJAY KUMAR)
Pr. Secretary
Election Commission of India.

HIGH COURT OF CHHATTISGARH, BILASPUR

Election Petition No. 15 of 2009

PETITIONER : Sambhu Prasad Sharma, aged about 62 Years, S/o late Shri Bansgopal Sharma, Village and Post Seoni, Tahsil Marwahi, District Bilaspur (CG).

VERSUS

RESPONDENTS

1. Returning Officer Election Office Korba, 04, Korba Lok Sabha, Area Korba, Tahsil & District Korba (CG)

2. Shri Charan Das Mahant, aged about 54 years, S/o late Shri Bisahu Das Mahant, Village and Post Saragaon, District Janjgir-Champa (CG)

3. Smt. Karuna Shukla, aged about 59 years, W/o Shri Madhav Prasad Shukla, R/o Shankar Nagar (Anand Nagar) Tahsil & District Raipur (CG)

4. Smt. Vijay Laxmi Sharma, aged about 41 years, W/o Shri Pramod Kumar Sharma, Quarter No. 254/B 1, Balco Nagar, Korba, District Korba (CG)

5. Shri Kedar Nath Rajwade, S/o Shri Hiralal Rajwade, aged about 28 years, R/o Quarter No. 175/1 K, Village Tenduwa, Tahsil-Baikunthpur, District Koriya (CG)

6. Smt. Chaiti Devi Mahant, W/o Shri Kashidas, aged about 49 years, R/o N. D. 26-CSEB, East Korba (CG)

7. Shri Budhwar Singh Uikey, S/o Shri Ganpat Singh, aged about 34 years, R/o Korbi, Post Suttarra, Tahsil Podi-up-Roda, District Korba (CG)

8. Dr. Shri Vipin Sinha, S/o Shri R. P. Sinha, aged about 40 years, R/o B 70 C M P D I Colony Post Kusmunda, District Korba (CG)

9. Smt. Sangita Nirmalkar, W/o Shri Ram Bahoran, aged about 32 years, R/o Quarter No. 17, Ward No. 35, Torwa, Bilaspur (CG)

10. Shri Hira Singh Markam, S/o late Shri Deo Sai Markam, aged about 74 years, R/o Village and Post Tiwrata, Tahsil Pali, District Korba (CG)

11. Shri Gend Das Mahant, S/o Shri Girwar Das Mahant, aged about 35 years, R/o Kashi Nagar Korba, Ward No. 16, Quarter No. 105/K, Tahsil and District Korba (CG)

12. Shri Charan Das Panika, S/o Shri Hari Das Panika, aged about 25 years, R/o Village Kendai Khar, Post Jamni Pali, Tahsil Katghora District Korba (CG)

13. Shri Pawan Kumar, S/o Shri Matadeen, aged about 38 years, R/o Pali Road, Dipka, Tahsil Katghora, District Korba (CG)

14. Shri Kuleshwar Prasad Sarajaiha, S/o Shri Ramnath, aged about 75 years, R/o Village Gajra, Post Banki Mongra, Tahsil Katghora, District Korba (CG)

15. Shri Ram Dayal Uraon, S/o late Shri Anandram aged about 49 years, R/o Village Pathadhi, Post Tilkeja, Tahsil and District Korba (CG)

16. Shri Ram Lakhan Kashi, S/o late Shri Mandhari Kashi, aged about 68 years, R/o Gram Nagar, Post Nagar, Tahsil Baikunthpur, District Koriya (CG)

17. Smt. Satrupa, W/o late Shri Ramashankar, aged about 37 years, R/o G-19, Narbada Nagar Asindda Tahsil Khandawa, District Khandawa (MP)

18. Shri Santosh Banjare, S/o Shri Netram Banjare, aged about 25 years, R/o Ekta Nagar, Quarter No. 380, Khongha Pani, District Koriya (CG) 497447

Present :

Shri Ram Kumar Tiwari with Shri Ram Krishna Sharma, counsel for the petitioner.
Shri Yashwant Singh Thakur, counsel for respondent No. 1
Shri Rajeev Shrivastava, counsel for respondent No. 2

ORDER

(Passed on 17th August, 2010)

DHIRENDRA MISHRA, J.

1. Heard on I. A. No. 1

2. By this application under Order 7 Rules 11 (a) & (d) of the CPC, 1908 read with Section 86 (1) of the Representation of the People Act, 1951, (hereinafter referred to as 'the Act of 1951') the respondent No. 2 has prayed for dismissal of the election petition on the ground that the petition does not disclose any cause of action and there is non- compliance of Sections 81 and 82 of the Act of 1951.

3 The Petitioner has challenged the election of respondent No. 2 as a Member of Parliament from the Parliamentary Constituency No. 4, Korba in the general election held in the year 2009 on the ground that all other candidates including respondent No. 2, the elected candidate, did not file affidavits in Form No. 3 K- (III) showing debts and dues of the Government and thus, nomination papers filed by them were incomplete and invalid within the meaning of Section 33-A and 33-B of the Act of 1951 and their nomination was liable to be rejected during scrutiny by respondent No. 1. Respondent No. 1 vide its order dated 31st January, 2009 rejected the objection of the petitoner against accepting nomination papers of respondents No. 2 to 18.

4. Shri Rajeev Shrivastava, learned counsel appearing on behalf of respondent No. 2 submitted that the petitioner has failed to plead the material fact and material particulars and averments in the petition do not disclose any casuse of action. The Supreme Court in the matter of Union of India Versus Association For Democratic Reforms and another reported in (2002) 5 SCC 294 issued certain directions in paragraph-48 of the judgment and the Commission was directed to call for information on affidavit from each candidate seeking election to Parliament or the State Legislative Assembly, as necessay part of his nomination paper furnishing therein information regarding assets (immovable, movable, bank balance etc) of a candidate and of his/her spouse and that of the dependents appart from other information. In compliance of the aforesaid directions, the Election Commission of India (for brevity 'the ECI') issued an order on 26-8-2002 directing every candidate that while filing nomination papers they would submit an affidavit with regard to all the 5matters mentioned in paragraph-48 of the Supreme Court's order dated 2nd May, 2002. However, in view of the subsequent order of the Supreme Court passed in the matter of People's Union for Civil Liberties (PUCL) and another Versus Union of India and another, { (2003) 4 SCC 399, the ECI in supersession of its eariler order dated 28-6-2002 issued fresh order on 27-3-2003. From perusal of the order of the Supreme Court dated 2nd May, 2002 and the circular issued in compliance thereof, it is clear that a candidate is required to file affidavit with regard to "Liabilites, if any, particularly whether there are any over dues of any public financial institution or government dues". In the absence of any specific averment in the election petition regarding undischarged liability of public financial institution or government dues, the petition is lacking in material facts and particulars and the same does not disclose any cause of action and the petition deserves to be dismissed *in limine*. The petitioner has also not pleaded or filed the objection taken by him before the returning officer for rejection of nomination papers of other candidates. From perusal of the order of the returning officer dated 31st March, 2009 (Annexure-P/3) by which objection against the nomination papers of other candidates has been rejected, it is evident that the Returning Officer after examining record found the objections factually incorrect.

The petition is also liable to be dismissed on the ground of incorrect verification, as pleadings in the petition are based on personal knowledge of the petitioner whereas, issue raised by the petitioner is to be verified only on the basis of information on record.

Lastly, it was argued that the petition is also liable to be dismissed for mis-joinder of the parties, as the petitioner has impleaded returning officer as respondent No. 1.

A specific preliminary objection has been taken on behalf of respondent No. 1 that returning officer cannot be arrayed as party in an election petition in view of the specific provisions under Section 82 of the Act of 1951, which deals with parties to the petition. However, the petitioner has asserted that respondent No. 1 is a necessary party and has not moved any application for deleting the name of respondent No. 1 from the array of the respondents and has only stated that the petitioner is ready to obey any order pertaining to deletion of respondent No.1. It was further argued that annexures and documents filed by the petitioner have not been properly verified as required under Section 83 (2) of the Act of 1951.

On the other hand, Shri Ram Kumar Tiwari, learned counsel appearing on behalf of the petitioner submitted that the ECI in compliance of the directions of the Supreme Court in the matter of Association For Democratic Reforms and another (judgment dated 2nd May, 2002), directed that every candidate in election while filing nomination paper shall submit an affidavit in prescribed format annexed as Schedule I. It was specifically mentioned that non-filing of affidavit in the format (Annexure-P/6) along with nomination paper would constitue contempt of the Supreme Court and returning officer shall reject the nomination paper at the time of scrutiny (Annexure-P/2, para-5). Respondents No. 2 to 18 did not file affidavit in the prescribed format (Annexure-P/6). The petitioner filed an objection before the returning officer at the time of scrutiny on 30th March, 2009 for rejecting their nomination papers, however, objection of the petitioner was rejected vide Annexure-P/3. Acceptance of nomination papers of respondents No. 2 to 18 is contrary to the provisions of Section 100 (1) (d) (i) (iv) of the Act of 1951. The only objection of the petitioner against acceptance of nomination papers of other candidates is that they did not file affidavit in the format (Annexure-P/6) which is mandatory requirement, as per orders of the Election Commission dated 28th June, 2002 and 27th March, 2003, which were issued in compliance of the directions of the Supreme Court. It is not the allegation of the petitioner that other candidates have any undischarged liability towards public financial institution or Government loan and, therefore, objection regarding lack of material pleadings with respect to such allegations does not arise. So far as other objections regarding defect of verification of the pleadings and documents is concerned, election petition cannot be dismissed *in limine* only on this ground and such defects may be subsquently rectified. Even otherwise, allegations in the petition and documents annexed with the petition have been duly verified by the petitioner. The petitioner has already undertaken to delete the name of respondent No. 1 from the array of the respondents and, therefore, election petition cannot be dismissed on the ground of mis-joinder of the parties.

7. I have heard learned counsel for the parties, perused the election petition and the documents annexed with this petition.

8. From perusal of the order of the returning officer (Annexure-P/3) whereby objection of the petitioner raised at the time of scrutiny of nomination papers against nomination papers filed by other candidates has been rejected, it appears that the petitioner contended before the returning officer that other candidates have not annexed their affidavits in form - 3 (ka) (III) apart from other objections. The returning officer after examination of the nomination papers observed that the candidates have filed affidavits along with their nomination papers and signed before him as per directions of the Election Commission in the prescribed format (Annexure-22). After scrutiny, he did not find any fact/basis which goes contrary to the directions of the Election Commission.

9. Referring to the direction contained in Chapter-VI (para-10.1) of handbook of the Returning Officer, it has been observed that where an affidavit has been filed, in that case, nomination paper cannot be rejected on the ground that it is incomplete or defective. The petitioner has neither pleaded nor filed objections submitted by him before the returning officer on 30th March, 2009 against nomination papers of other candidates. He has also not filed affidavits/nomination papers filed by the other candidates which finds reference in the order of Annexure-P/3 by which his objection has been rejected.

10. In Association For Democratic Reforms and another (Supra), the Supreme Court held that jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word "elections" is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps. Interpreting Article 324 of the Constitution of India, it has been held that Article 324 is a reservoir of power to act for the avowed purpose of having free and fair elections. The Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing necessary directions, the Commission can fill the vacuum till there is legislation on the subject. In para-48 of the above judgment, it has been observed thus :-

> "The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under Article 324 of the Constitution of India from each candidate seeking election to Parliament or a State Legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature :

(1) Whether the candidate is convicted/acquitted/discharged of any criminal offence in the past - if any, whether he is punished with imprisonment or fine.

(2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.

(3) The assets (immovable, movable, bank balance, etc.) of a candidate and of his/her spouse and that of dependents.

(4) Liabilities, if any, particularly whether there are any overdues of any public financial institution or government dues.

(5) The educational qualifications of the candidate."

11. The Act of 1951 was amended vide the Representation of the People (Amendment) Oradinace, 2002 (4 of 2002), promulgated on 24-8-2002. Later on the Ordinance was replaced by the Representation of the People (Third Amendment) Act, 2002 (72 of 2002), which came into force w. e. f. 28th December, 2002 and Sections 33-A and 33-B was inserted. Constitutional validity of Section 33-B was challenged and the Supreme Court vide its judgment dated 13th March, 2003 in the case of People's Union For Civil Liberties (PUCL) and another (Supra), held that Section 33-B inserted in the Act of 1951 by amendment does not pass the test of Constitutionality and the same was declared invalid being violative of Article 19 (1) (a) of the Constitution.

12. In the light of directions contained in the case of People's Union For Civil Liberties (PUCL) and another (Supra), the Election Commission of India in Chapter V of Annexure-X of the Handbook For Returning Officers ordered in paragraphs-16 and 17 as under :-

"16. Now, therefore, the Election Commission, in pursuance of the above referred order dated 13th March, 2003, of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, of superintendence, direction and control, inter alia, of conduct of elections to Parliament and State Legislatures, hereby issues, in supersession of its earlier order dated 28th June, 2002, its revised directions as follows :-

(1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.

(2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary public or a Commissioner of Oaths appointed by the High Court of the State concerned.

(3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.

(4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.

(5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.

17. For the removal of doubt, it is hereby clarified that the earlier direction contained in para 14 (4) of the earlier order dated 28th June, 2002, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of funishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13th March, 2003 of the Apex Court. It is further clarified that apart from the affidavit in Annexure-I hereto referred to in para 16 (1) above, the candidate shall have to comply with all the other requirements as spelt out in the Representation of the People Act, 1951, as amended by the Representation of the People (Third Amendment) Act, 2002, and the Conduct of Election Rules, 1961, as amended by the Conduct of Elections (Amendment) Rules, 2002."

13. From perusal of the judgment of the Supreme Court in the matter of Association For Democratic Reforms and another (Supra) (Paragraph-48) and directions issued by the ECI in pursuance thereof on 28-6-2002 and 27th March, 2003, it is clear that every candidate was required to file information with respect to liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues in the format appended as Annexure-I with the order dated 27th March, 2003 of the ECI.

14. From perusal of the order of Annexure-P/3, it is clear that affidavits have been sworn in by respondents No. 2 to 18 and the returning officer did not find any defects in the affidavits as per orders/directions of the Election Commission, on the basis of which their nomination papers could be rejected. Disclosures about undischarged liability towards public financial institutions or Government loan, if any, are to be made in the format enclosed with the order dated 27th March, 2003 of the ECI.

15. From perusal of Annexure-P/3, I have also observed that returning officer rejected the objection of the petitioner and accepted the nomination papers of other candidates as valid by observing that necessary affidavits in the prescribed format have been submitted by them. The petitioner has not filed affidavits of other candidates and it is not the allegation of the petitioner that respondents No. 2 to 18 have any undischarged liability towards public financial institutions or any Government loan. In the absence of any material fact to establish that other candidates did not file necesary affidavit in format Annexure-I appended with the order dated 27th March, 2003, and keeping in view the order of Annexure-P/3, which reveals that other cadidates had submitted affidavits in the prescribed format as per guidelines of the ECI, I find substance in the argument of learned counsel for respondent No. 2 that even if the entire allegations present in the petition is accepted, the same does not disclose any cause of action to the petitioner and there is no triable issue before this Court for adjudication of this election petition.

16. The only ground urged in the election petition is that respondent No. 2 to 18 did not submit necessary information on affidavit in the prescribed format as per para-3 (A) of Annexure-I annexed with the order dated 27th March, 2003 of the ECI. The affidavits filed by other candidates have not been annexed with the petition nor there is any specific pleading in this regard. Respondent No. 2 in his return, in para-8.4, in reply to para-5 of the petition, has specifically denied the above allegation and has specifically averred that the answering respondent has filed the affidavit as required under the law. In spite of above specific denial of respondent No. 2, the petitioner has failed to supply necessary material particulars to establish that affidavits sworn by other candidates were not in accordance with the requirement of the order of the ECI dated 27th March, 2003 or they were not in format of Annexure-I.

17. On the basis of aforesaid discussion, I am of the opinion that the petitioner has failed to disclose all material facts on which the election petitioner relies to establish the existence of a cause of action. In the absence of material facts and insufficient cause of action, the election petition is liable to be dismissed. It is a settled legal position that an election petition must clearly and unambiguously set out all the material facts which the petitioner is to rely upon during the trial, and it must reveal a clear and complete picture of the circumstances and should disclose a definite cause of action. In the absence of the above, an election petition can be summarily dismissed, as has been held by the Hon'ble Supreme Court in the matter of Laxmi Kant Bajpai Versus Hazi Yaqoob & others [2009 (8) Supreme 129].

18. In view of the aforesaid finding, it is not necessary to consider other issues raised by the respondents.

19. In the result, the application is allowed. The election petition is dismissed on the ground that the petitioner has failed to disclose all material facts on which he relies to establish the existence of a cause of action.

Sd/-
Dhirendra Mishra
El. Judge

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली 110001

नई दिल्ली, तारीख 9 अगस्त, 2011—10 श्रावण, 1933 (शक)

सं. 82/छ.ग./(14/2004)/2011.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वा... आयोग एतद्द्वारा निर्वाचन अर्जी सं. 14/2004 में दिये गये उच्च न्यायालय, छत्तीसगढ़ बिलासपुर के तारीख 2 मई, 2011 के आदेश को प्रकाशि... करता है.

आदेश से,

हस्ता./-
(के. अजय कुमार)
प्रधान सचिव,
भारत निर्वाचन आयोग.

HIGH COURT OF CHHATTISGARH : BILASPUR

Election Petition No. 14 of 2004

PETITIONER : Shivratan Sharma

-Versus-

RESPONDENTS : Chaitram Sahu & Others

(Election Petition under Section 80/80A read with Section 100 & 101 of the Representation of the People Act, 1951)

Single Bench : Hon'ble Shri Satish K. Agnigotri, J.

Present :- Shri Sudhir Agrawal, Advocate for the petitioner.

Shri Pradeep Saxena with Ms. Pankhuri Saxena, Advocates for the respondent No.1

ORDER

(Delivered on this 2nd day of May, 2011)

1. The instant election petition has been filed under the provisions of Sections 80/80A read with Sections 100 & 101 of the Representation of the People Act, 1951 (*for short "the RP Act, 1951"*) by the petitioner, who contested the general election 2003 of the Chhattisgarh Legislative Assembly from segment No. 46, Bhatapara constituency. The respondent No. 1 was declared as elected candidate. The election was held on 1-12-2003 on the basis of nomination papers filed between 7-11-2003 to 14-11-2003. Result of the election was declared on 4-12-2003 holding the respondent No. 1 as returned candidate (*hereinafter referred to as "the returned candidate"*)

2. It is pertinent to mention here that the term of the State Legislative Assembly election 2003 has come an end after completion of five years and the respondent No. 1 was again elected as Member of the Chhattisgarh State Legislative Assembly in 2008.

3. The petitioner filed the petition seeking declaration of the election of the returned candidate from segment No.46, Bhatapara for State Legislative Assembly as void and further that the petitioner be declared elected from the aforesaid constituency.

4. Case of the petitioner is that the petitioner has filed this petition seeking declaration of the respondent No. 1 as returned candidate to be void on the ground of crrupt practice under the provisions of Section 100 (1) (b) read with (d) (ii) of the RP Act, 1951.

5. The petitioner has averred in the election petition that the information submitted by the returned candidate in the affidavit filed along with the nomination form does not disclose the correct facts. The returned candidate has concealed several relevant facts in respect of his movable and immovable properties. Thus, the same was violative of the provisions of Sections 33A and 33B of the RP Act, 1951. The Returning Officer has failed to perform his statutory obligation under the provisions of Section 36 by accepting the nomination papers of the returned candidate wrongly. Non-furnishing of detailed information as required under Section 33A (1) (i) is an offence punishable with imprisonment for two years or more. Even non-submission of the information comes within the definition of 'corrupt practice' under the provisions of the RP Act, 1951. Thus, the election of the returned candidate may be declared as void under the provisions of Section 100 (1) (b) read with (d) (ii) of the RP Act, 1951.

6. It is further averred that the filing false affidavit invokes penalty as prescribed under Section 125A. The petitioner has discovered after election result was announced that the returned candidate in his affidavit along with the nomination form has not disclosed complete facts and had suppressed and concealed. the material facts. Thus, acceptance of nomination papers, as aforestated, was bad.

7. The returned candidate has deliberately suppressed the material facts with regard to his properties including those of his spouse and children, which has adversely affected the fundamental and constitutional rights of the elector/voter. The returned candidate has further published and circulated certain leaflets/pamphlets against the caste and status of the petitioner that the petitioner was not an original resident of State of Chhattisgarh and comes from other State to mislead the voters. The expenses incurred by the returned candidate in publication of the pamphlets were not shown in the electoral expenses after he was declared as returned candidate. The said action of the returned candidate is violative of mandatory provisions and tantamounts to corrupt practice.

8. In response to the averments made in the election petition, the returned candidate submitted his return on 14-2-2007 raising preliminary objections about the maintainability of the election petition. The returned candidate seeks dismissal of the petition on further ground that the petitioner has not raised any ground to challenge the election of the returned candidate. The election petition is vague and does not disclose cause of action on the basis of specific allegations and, as such, lacks material facts and particulars of corrupt practice. The petitioner further does not disclose the name of the persons alleged to have indulged in corrupt practice nor have they been impleaded as party/respondent. Proper affidavit in support of corrupt practices as contemplated by Rule 94 of the Conduct of Elections Rules, 1961 (*for short "the Rules, 1961"*) has not been filed. The requirement of filing of additional affidavit giving details of material facts have also not been complied with. The verification is not in accordance with the provisions of Section 83 of the RP Act, 1951. The returned candidate has not been served with the true copies of the election petition. The petitioner has neither annexed nor scheduled any document to the petition as required under the provision of law and on that ground also the petition deserves to be dismissed.

9. On the merit, the returned candidate submitted that the respondent No. 2 was not the Returning Officer for the Assembly election. The interpretation of Sections 33A & 33B is not just and proper. It is submitted by the returned candidate that for want of material facts it is not possible to submit the response and the same are specifically incorrect and denied. The returned candidate has not created ill-will against the petitioner or his prestige in the society. The returned condidate has not committed any corrupt practice.

10. Without considering the objection of the returned candidate, the issues on merit were framed. In the aforestated back ground, the question "asto if the issues on merit have been framed,whether the preliminary objection of the respondent No. 1 on maintainability of the election petition may be decided", arises for consideration.

11. It is useful to refer the relevant provisions of the RP Act, 1951 for proper adjudication of the dispute.

12. Section 81 of the RP Act, 1951 provides for presentation of petitions stating therein that election may be presented on one or more of the grounds specified in sub-section (1) of Section 100 and Section 101 to the High Court by any candidate at such election or any elector within forty-five days from the date of election, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and dates of their election are different, the later of those two dates.

"81. Presentation of Petitions-

(1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of Section 100 and Section 101 to the High Court by any candidate at such election or any elector within forty-five days from, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and dates of their election are different, the later of those two dates.

Explanation.- In this sub-section, "elector" means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) [Omitted]

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

82. Parties of the petition.— A petitioner shall join as respondents to his petition-

(a) where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates : and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

83. Contents of petition.—

(1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies ;

(b) shall set forth full particualrs of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice ; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings :

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the praticulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

86. Trial of election petitions.—

(1) The High Court shall dismiss an election petition which does not comply with the provisions of Section 81 or Section 82 or Section 117.

Explanation.- An order of the High Court dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of Section 98.

(2) As soon as may be after an election petition has been presented to the High Court, it shall be referred to the Judge or one of the judges who has or have been assigned by the Chief Justice for the trial of election petitions under sub- section (2) of Section 80-A.

(3) Where more election petitions than one are presented to the High Court in respect of the same election, all of them shall be referred for trial to the same judge who may, in his discretion, try them separately or in one or more groups.

(4) Any candidate not already a respondent shall, upon application made by him to the High Court within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the High Court, be entitled to be joined as a respondent.

Explanation.- For the purposes of this sub-section and of Section 97, the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the High Court and answer the claim or claims made in the petition.

(5) The High Court may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective tiral of the petition, but shall not allow any amendment of the petition which will have the effect of introducting particualrs of a corrupt practice not previously alleged in the petition.

(6) The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the High Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(7) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial.

87. Procedure before the High Court.—

(1) Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the High Court, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to the trial of suits :

Provided that the High Court shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872 (1 of 1872), shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.

100. Grounds for declaring election to be void.-

(1) Subject to the provisions of sub-section (2) if the High Court is of opinion-

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or this Act or the Government of Union Territories Act, 1963 (20 of 1963) ; or

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent ; or

(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected-

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or.

(iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act, the High Court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the High Court, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the High Court is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;

(b) [Omitted] ;

(c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election : and

(d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the High Court may decide that the election of the returned candidate is not void.

13. Sub-section (3) of Section 81 prescribes that every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

14. Section 82 deals with the parties to the petition. Clause (b) of Section 82 provides that any other candidate against whom allegations of any corrupt practice are made in the petition shall be joined as respondent to the petition.

15. Section 83 (1) deals with the contents of the petition. The election petition shall (i) contain concise statement of the material facts on which the petitioner relies ; (ii) set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice : and (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (for short "the CPC") for the verification of pleadings.

16. Proviso to Section, 83 further prescribes that in case of allegation of corrupt practice the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. Sub-section (2) of Section 83 clearly provides that any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner.

17. It is pertinent to mention here that no documents filed along with the petition have been annexed or scheduled to the petition as required under the provisions of sub-section (2) of Section 83.

18. Sub-section (1) of Section 86 prescribes that the election petition shall be dismissed, if the same does not comply with the provisions of Section 81 or Section 82 or Section 117. It was further explained that an order of dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of Section 98. There is no prescription that the High Court should take decision, at the earliest, for dismissal of election petition before framing the issues for non-compliance of the provisions of the RP Act, 1951. Thus, the election tribunal can consider preliminary objection with regard to maintainability of the petition at any stage even after framing the issues, on merit.

19. In Shri Udhav Singh v. Madhav Rao Scindia[1], the Supreme Court observed as under :

"42. All the primary facts which must be proved at the trial by a party to establish the existence of a cause of action or his defence, are "material facts". In the context of a charge of corrupt practice, "material facts" would mean all the basic facts constituting the ingredients of the particular corrupt practice allegd, which the petitioner is bound to substantiate before he can succeed on that charge. Whether in an election petition, a particular fact is material or not, and as such required to be pleaded is a question which depends on the nature of the charge levelled, the ground relied upon and the special circumstances of the case. In short, all those facts which are essential to clothe the petitioner with a complete cause of action, are "material facts" which must be pleaded, and failure to plead even a single material fact amounts to disobedience of the mandate of Section 83 (1) (a).

43. "Particulars", on the other hand, are "the details of the case set up by the party". "Material particulars" within the contemplation of clause (b) of Section 83 (1) would therefore mean all the details which are necessary to amplify, refine and embellish the material facts already pleaded in the petition in compliance with the requirements of clause (a). "Particulars" serve the purpose of finishing touches to the basic contours of a picture already drawn, to make it full, more detailed and more informative."

20. The Supreme Court in Jeet Mohinder Singh v. Harminder Singh Jassi[2], has considered the issue of law in detail and laid down well settled legal principles in the field of election jurisprudence as under :

"40. ... (i) The success of a candidate who has won at an election should not be lightly interfered with. Any petition seeking such interference must strictly conform to the requirements of the law. Though the purity of the election process has to be safeguarded and the court shall be vigilant to see that people do not get elected by flagrant breaches of law or by committing corrupt practices, the setting aside of an election involves serious consequences not only for the returned candidate and the constituency, but also for the public at large inasmuch as re-election involves an enormous load on the public funds and administration. (See Jagan Nath v. Jaswant Singh, Gajanan Krishnaji Bapat v. Dattaji Raghobaji Meghe.)

(ii) Charge of corrupt practice is quasi-criminal in character. If substantiated it leads not only to the setting aside of the election of the successful candidate, but also of his being disqualified to contest an election for a certain period. It may entail extinction of a person's public life and political career. A trial of an election petition though within the realm of civil law is akin to trial on a criminal charge. Two consequences follow. Firstly, the allegations relating to commission of a corrupt practice should be sufficiently clear and stated precisely so as to afford the person charged a full opportunity of meeting the same. Secondly, the charges when put to issue should be proved by clear, cogent and credible evidence. To prove charge of corrupt practice a mere preponderance of probabilities would not be enough. There would be a presumption of innocence available to the person charged. The charge shall have to be proved to the hilt, the standard of proof being the same as in a criminal trial. (See Quamarul Islam v. S. K. Kanta, F. A. Sapa v. Singora, Manohar Joshi v. Damodar Tatyaba and Ram Singh v. Co. Ram Singh.)

(iii) The appellate court attaches great value to the opinion formed by the trial Judge more so when the trial Judge recording findings of fact is the same who had recorded the evidence. The appellate court shall remember that the jurisdiction to try an election petition has been vested in a Judge of the High Court. Secondly, the trial Judge may have had the benefit of watching the demeanour of witnesses and forming first-hand opinion of them in the process of evaluation of evidence. The Supreme Court may reassess the evidence and come to its own conclusions on feeling satisfied that in recording findings of fact the High Court has disregarded settled principles governing the approach to evidence or committed grave or palpable errors. (See Gajanan Krishnaji Bapat v. Dattaji Raghobaji Meghe and Kripa Shankar Chatterji v. Gurudas Chatterjee.)

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[1] (1977) 1 S C C 511
[2] (1999) 9 S C C 386

(iv) Section 83 of the Act requires every election petition to contain a concise statement of the material facts on which the appellant relies. If the election petition alleges commission of corrupt practice at the election, the election petition shall set forth full particulars of any corrupt practice including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice. Every election petition must be signed and verified by the appellant in the manner laid down for the verification of pleadings in CPC. An election petition alleging corrupt practice is required to be accompanied by an affidavit in Form 25 read with Rule 94-A of the Conduct of Elections Rules, 1961. Form 25 contemplates the various particulars as to the corrupt practices mentioned in the election petition being verified by the appellant separately under two headings : (i) which of such statements including particulars are true to the appellant's own knowledge, and (ii) which of the statements including the particulars are true to information of the appellant. It has been held in Gajanan Krishnaji Bapat case that the election petitioner is also obliged to disclose his source of information in respect of the commission of the corrupt practice so as to bind him to the charge levelled by him and to prevent any fishing or roving enquiry, also to prevent the returned candidate from being taken by surprise.

"45. ... Here itself, we may observe that material facts and particulars as to commission of corrupt practice are required to be given in the election petition and not in the replication filed much after the expiry of the period of limitation for filing election petition. The material facts and particulars alleged for the first time in the replication and not forming part of the averments made in the election petition cannot be tried and cannot be made the subject matter of issues framed by the court. The learned Designated Election Judge has taken care to frame the issues only by reference to the averments made in the election petition and not by referring to the averments made for the first time in the replication. Firstly, the respondent does not have an opportunity of denying the averments-whether facts or particulars, introduced for the first time in replication. Secondly, as already stated material facts and particulars as to corrupt practice are required to be supported by an affidavit in the prescribed proforma. The replication is not supported by any affidavit in the prescribed proforma."

21. In Santosh Yadav v. Narender Singh [3], the Supreme Court observed as under :

"15. A word about the pleadings, Section 83 of the Act mandates an election petition to contain a concise statement of the material facts on which the petitioner relies. The rule of pleadings enable a civil disput being adjudicated upon by a fair trial and reaching a just decision. A civil trial, more so when it relates to an election dispute, where the fate not only of the parties arrayed before the Court but also of the entire constituency is at a stake, the game has to be played with open cards and not like a game of chess or hide and seek. An election petition must set out all material facts wherefrom inferences vital to the success of the election petitioner and enabling the Court to grant the relief prayed for by the petitioner can be drawn subject to the averments being substantiated by cogent evidence. Concise and specific pleadings settings setting out all relevant material facts, and then cogent affirmative evidence being adduced in support of such averments, are indispensable to the success of an election petition. An election petition, if allowed, results in avoiding an election and nullifying the success of a returned candidate. It is a serious remedy. Therefore, an election petition seeking relief on a ground under section 100 (1) (d) of the Act, must precisely allege all material facts on which the petitioner relies in support of the plea that the result of the election has been materially affected. Unfortunately in the present case all such material facts and circumstances are conspicuous by their absence. "

22. Yet again, in Virender Nath Gautam v. Satpal Singh and Others [4], the Supreme Court observed as under :

"29. From the relevant provisions of the Act reproduced hereinabove, it is clear that an election petition must contain a concise statement of "material facts" on which the petitioner relies. It should also contain "full particulars" of any corrupt practice that the petitioner alleges including a full statement of names of the parties alleged to have committed such corrupt practice and the date and place of commission of such practice. Such election petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (hereinafter referred to as "the code") for the verification of pleadings. It should be accompanied by an affidavit in the prescribed form in support of allegation of such practice and particulars thereof.

[3] A I R 2002 S C 241

[4] (2007) 3 S C C 617

30. All material facts, therefore, in accordance with the provisions of the Act, have to be set out in the election petition. If the material facts are not stated in a petition, it is liable to be dismissed on that ground as the case would be covered by clause (a) of sub-section (1) of Section 83 of the Act read with clause (a) of Rule 11 of order 7 of the Code.

31. The expression "material facts" has neither been defined in the Act nor in the Code. According to the dictionary meaning, "material" means "fundamental", "vital", "basic", "cardinal", "central", "crucial", "decisive", "essential", "pivotal", "indispensable", "elementary", or "primary". [Burton's legal Thesaurus (3rd Edn.), p. 349]. The phrase "material facts", therefore, may be said to be those facts upon which a party relies for his claim or defence. In other words, "material facts" are facts upon which the plaintiff's cause of action or the defendant's defence depends. What particulars could be said to be "material facts" would depend upon the facts of each case and no rule of universal application can be laid down. It is, however, absolutely essential that all basic and primary facts which must be proved at the trial by the party to establish the existence of a cause of action or defence are material facts and must be stated in the pleading by the party.

32. In the leading case of Philipps v. Philipps, Cotton, L. J. stated :
"What particulars are to be stated must depend on the facts of each case. But in my opinion it is absolutely essential that the pleading, not to be embarrassing to the defendants, should state those facts which will put the defendants on their guard and tell them what they have to meet when the case comes on for trial."

33. In Bruce v. Odhams Press Ltd., Scott, L. J. referring to Philipps v. Philipps 1 observed : (All ER p. 294) "The cardinal provision in Rule 4 is that the statement of claim must state the material facts. The word "material" means necessary for the purpose of formulating a complete cause of action ; and if any one "material" statement is omitted, the statement of claim is bad ; it is 'demurrable' in the old phraseology, and in the new is liable to be 'struck out' under RSC Order 25 Rule 4 (see Philipps v. Philipps) ; or 'a further and better statement of claim' may be ordered under Rule 7."

34. A distinction between "material facts" and "particulars", however, must not be over looked. "material facts" are primary or basic facts which must be pleaded by the plaintiff or by the defendant in support of the case set up by him either to prove his cause of action or defence. "Particulars", on the other hand, are details in support of material facts pleaded by the party. They amplify, refine and embellish material facts by giving distinctive touch to the basic contours of a picture already drawn so as to make it full, more clear and more informative. "Particulars" thus ensure conduct of fair trial and would not take the opposite party by surprise.

35. All "material facts" must be pleaded by the party in support of the case set up by him. Since the object and purpose is to enable the opposite party to know the case he has to meet with, in the absence of pleading, a party cannot be allowed to lead evidence. Failure to state even a single material fact, hence, will entail dismissal of the suit or petition. Particulars, on the other hand, are the details of the case which is in the nature of evidence a party would be leading at the time of trial.

36. In Halsbury's Laws of England (4th Edn.), Vol. 36, para 38, it has been stated :

"38. The function of particulars is to carry into operation the overriding principle that the litigation between the parties, and particularly the trial, should be conducted fairly, openly and without suprises, and incidentally to reduce costs. This function has been variously stated, namely, either to limit the generality of the allegations in the pleadings, or to define the issues which have to be tried and for which discovery is required. Each party is entitled to know the case that is intended to be made against him at the trial, and to have such particulars of his opponent's case as will prevent him from being taken by surprise. Particulars enable the other party to decide what evidence he ought to be prepared with and to prepare for the trial. A party is bound by the facts included in the particulars, and he may not rely on any other facts at the trial without obtaining the leave of the court."

23. The Supreme Court in Pepole's Union for Civil Liberties (PUCL) and Another v. Union of India and Another[5] observed as under :

79. In the result, Section 33-B of the Amended Act is held to be illegal, null and viod. However, this judgment would not have any retrospective effect but would be prospective. Writ petitions stand disposed of accordingly.

24. In People's Union for Civil Liberties (PUCL) (supra) held the provisions of Section 33B of the RP Act, 1951, to be illegal, null and void with prospective effect, on 13-3-2003. The above-stated view of Hon.ble Shri Shah, J. has been concurred by Hon'ble Shri P. Venkatarama Reddi, J., in a Bench of three Judges. Thus, the returned candidate was not required to comply with the provisions of Section 33B of the RP Act, 1951.

25. In Govind Singh v. Harchand Kaur[6], the Supreme Court observed as under :

"44. Dealing with this preliminary question as to whether the election petition filed by the respondent was fit to be dismissed on the ground of the lack of "material facts" with "material particulars", we are fully conscious of the well-settled legal position to the effect that if the election petition fails to disclose any cause of action and there is non- compliance with the mandatory requirements of Section 83 of the Representation of the People Act, 1951 which requires that the election petition should contain material facts on which the petitioner relies, it should set forth full particualrs of any corrupt practice including full statement of the names of the parties which is alleged to have been committed along with the specific date and place of the commission of such corrupt practice. But it would also be equally appropriate to bear in mind that although the expression "material facts" has neither been defined in the 1951 Act nor in the Code of Civil Procedure, it has been understood by the courts in general terms to mean the entire bundle of facts which would constitute a complete cause of action. Their Lordships of the Supreme Court in Ram Sukh at SCC p. 548 have observed thus : (SCC para 13)

"13. ... 'materisal facts' are facts upon which the plaintiff's cause of action or the definedant's defence depends. ... Broadly speaking, all primary or basic facts which are necessary either to prove the cause of action by the plaintiff or defence by the defendant are 'matreial facts'. Material facts are facts which, if established, would give the petitioner the relief prayed for. But again, what could be said to be material facts would depend upon the facts of each case and no rule of universal application can be laid down."

This authority has also taken note of the ratio of the decision in Samant N. Balkrishna v. George Fernandez wherein the three-Judge Bench headed by the then Chief Justice M. Hidayatullah laid down five criteria which are mandatory under Section 83 of the Act for determination as to whether the election petition discloses that it does not lack in material facts and particulars. It was laid down therein that it is mandatory to first of all record a concise statement of material facts and then the fullest possible particulars. Any omission of even a single material fact leads to an incomplete cause of action and statement of claim would be treated as bad. The function of particulars is to present in full, a picture of the cause of action and to make the opposite party understand the case he will have to meet. The learned Judges further held therein that the "material facts" and "material particulars" are distinct matters and while the material facts will mention statements of fact, the particulars will set out the names of persons with date, time and place while stating the material facts as it will not be sufficient merely to quote the words of the section since the efficacy of the material facts in that event would be lost."

26. The principle of law as enunciated by the Supreme Court in the abovestated decisions as well as in other decisions make it clear that the 'material facts' are facts upon which the plaintiff's cause of action or the defendant's defence depends.

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[5] (2003) 4 SCC 399

[6] (2011) 2 SCC 621

27. Section 83 of the RP Act, 1951 requiers that the election petition shall contain concise statement of the material facts on which the petitioner relies. If there is an allegation of corrupt practice, the petitioner must set forth full particualrs of any corrupt practice that the petitioner alleges, including as full a statement as possible, of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice.

28. It is further a trite law that the election petitioner is obliged to disclose his source of information in respect of the commission of the corrupt practice so asto bind him to the charge leveled by him and to prevent any fishing or roving enquiry, also to prevent the returned candidate from being taken by surprise.

29. In the case on hand, the election petitioner has not given any fact except certain statements were pleaded to the effect that the returned candidate has not disclosed all the facts in the affidavit, as required under the provisions of Section 33B of the RP Act, 1951, without giving details also what was shown in the affidavit and what has not been shown in the affidavit. In respect of circulation of leaflets/ pamphlets, no materials asto who circulated and what was the contents of the material, what was the date and source of information about the curculation of alleged leaflests/ pamphlets. The petitioner has further not specified the names of the persons who have allegedly got the said leaflets/pamphlets and distributed on what date at what place. The petition does not disclose the fact asto what was the expenditure shown in the statement of accounts by the returned candidate. After the election or further what was the amount of the alleged leaflets/pamphlets, which was also not shown in the pleadings. Thus, the election petition lacks material facts, as required under the provisions of Section 83 of the RP Act, 1951.

30. The Superme Court in Ram Sukh v. Dinesh Aggarwal [7], held that the requirement of disclosure of 'materials facts' and 'full particulars' as stipulated in the Section 83 of the RP Act, 1951 is mandatory. Thus, for want of non-compliance of the provisions of Section 83, the election petition is liable to be rejected. Paras 10 & 14 of the said decision read as under :

"10. Section 83, the pivotal provision for the present case, requires that : (a) the election petition must contain a concise statement of "material facts" on which the petitioner relies and (b) he should also set forth "full particulars" of any corrupt practices which the petitioner alleges. Proviso to clause (c) of sub-section (1) of Section 83 also provides that where the petitioner alleges any corrupt practic. the election petition shall also be accompained by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. It is plain that the requirement of disclosure of "material facts" and "full particulars" as stipulated in the section is mandatory.

14. The requirement in an election petition as to the statement of material facts and the consequences of lack of such disclosure with reference to Sections 81, 83 and 86 of the Act came up for consideration before a three-Judge Bench of this Court in Samant N. Balkrishna v. George Ferandez. Speaking for the three-Judge Bench, M. Hidayatullah, C. J. inter alia, laid down that :

(i) Section 83 of the Act is mandatory and requires first a concise statement of material facts and then the fullest possible particulars ;

(ii) omission of even a single material fact leads to an incomplete cause of action and statement of claim becomes bad ;

(iii) The function of particulars is to present in full a picture of the cause of action and to make the opposite party understand the case he will have to meet ;

(iv) material facts and particulars are distinct matters-material facts will mention statements of fact and particulars will set out the names of persons with date, time and place ; and

(v) in stating the material facts it will not do merely to quote the words of the section because then the efficacy of the material facts will be lost."

[7] (2009) 10 SCC 541

31. In the entire pleadings, it is nowhere mentioned that the documents filed along with the petition are annexed or scheduled to the petition. Thus, the petition does not comply with the provisions of sub- section (2) of Section 83, also. Even there is no averment in the pleadings that the petitioner is filing a list of documents, which may be treated as schedule or annexure i. e. a part of the petition.

32. For dismissal of the petition, it is not necessary to file a separate application under Order 7 Rule 11 of the CPC. The petition may be examined at the instance of the returned candidate or other respondents asto whether the petition complies with the provisions, as enshrined under Sections 81, 82 & 83 of the RP Act, 1951, as observed earlier that compliance of the abovestated provisions have been held as mandatory.

33. The additional affidavit, which is required to be filed under proviso to sub-section (1) of Section 83 in respect of the allegation of corrupt practice, though has been filed in the case, but not in the form as required under the Rules, 1961. The prescribed form is provided under Rule 94 A of the Rules, 1961 i. e. form. 25. In form 25 the petitioner has to affirm all the particulars containing particualrs of such corrupt practice and also paragraphs of the schedule annexed thereto are true to the knowledge of the petitioner are true to information. The affidavit provides for verifications of schedule annexures without mentioning schedule annexed to the election petition. Thus, it may not be held as proper affidavit.

34. The issues on merit were framed subject to consideration of preliminary objection of the returned candidate with regard to maintainability of the election petition. Thus, the examination or cross-examination only in relation to the documents, which were neither scheduled as annexures nor was a part of pleadings, as per the averments made by the petitioner, were also done. Even certain documents were produced during the course of examination of the returned candidate.

35. Applying the well settled principles of law to the facts of the present case and in view of the finding recorded hereinabove, the election petition is not maintainable, as the mandatory provisions of Section 83 of the RP Act, 1951 have not been complied with, thus, it is not necessary to go into the merits of the case.

36. In Santosh Yadav (supra), the Supreme Court observed as under :

"8. It is well settled by a catena of decisions that the success of a winning candidate at an election should not be lightly interfered with. This is all the more so when the election of a successful candidate is sought to be set aside for no fault of his but of someone else. That is why the scheme of section 100 of the Act, especially clause (d) of sub-section (1) thereof clearly prescribes that in spite of the availability of grounds contemplated by sub-clauses (i) to (iv) of clause (d), the election of a returned candidate shall not be avoided unless and until it was proved that the result of the election in so far as it concerns a return candidate, was materially affected."

37. For the analysis and the reasons as aforestated, the election petition is dismissed, as not maintainable.

38. There shall be no order asto costs.

Sd/-

Satish K. Agnihotri
Election Judge

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

New Delhi, Dated 9th August, 2011—20 Sravana, 1933 (Saka)

No. 82/CGH/(14/2004)/2011 .— In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby published Order dated the 2nd May, 2011 of the High Court of Chhattisgarh, Bilaspur in Election Petition No. 14/2004.

By order,

Sd/-
(K. AJAY KUMAR)
Pr. Secretary
Election Commission of India.

HIGH COURT OF CHHATTISGARH : BILASPUR

Election Petition No. 14 of 2004

PETITIONER : Shivratan Sharma

-Versus-

RESPONDENTS : Chaitram Sahu & Others

(Election Petition under Section 80/80A read with Section 100 & 101 of the Representation of the People Act, 1951)

Single Bench : Hon'ble Shri Satish K. Agnigotri, J.

Present :- Shri Sudhir Agrawal, Advocate for the petitioner.

Shri Pradeep Saxena with Ms. Pankhuri Saxena, Advocates for the respondent No.1

ORDER

(Delivered on this 2nd day of May, 2011)

1. The instant election petition has been filed under the provisions of Sections 80/80A read with Sections 100 & 101 of the Representation of the People Act, 1951 (*for short "the RP Act, 1951"*) by the petitioner, who contested the general election 2003 of the Chhattisgarh Legislative Assembly from segment No. 46, Bhatapara constituency. The respondent No. 1 was declared as elected candidate. The election was held on 1-12-2003 on the basis of nomination papers filed between 7-11-2003 to 14-11-2003. Result of the election was declared on 4-12-2003 holding the respondent No. 1 as returned candidate (*hereinafter referred to as "the returned candidate"*)

2. It is pertinent to mention here that the term of the State Legislative Assembly election 2003 has come an end after completion of five years and the respondent No. 1 was again elected as Member of the Chhattisgarh State Legislative Assembly in 2008.

3. The petitioner filed the petition seeking declaration of the election of the returned candidate from segment No.46, Bhatapara for State Legislative Assembly as void and further that the petitioner be declared elected from the aforesaid constituency.

4. Case of the petitioner is that the petitioner has filed this petition seeking declaration of the respondent No. 1 as returned candidate to be void on the ground of errupt practice under the provisions of Section 100 (1) (b) read with (d) (ii) of the RP Act, 1951.

5. The petitioner has averred in the election petition that the information submitted by the returned candidate in the affidavit filed along with the nomination form does not disclose the correct facts. The returned candidate has concealed several relevant facts in respect of his movable and immovable properties. Thus, the same was violative of the provisions of Sections 33A and 33B of the RP Act, 1951. The Returning Officer has failed to perform his statutory obligation under the provisions of Section 36 by accepting the nomination papers of the returned candidate wrongly. Non-furnishing of detailed information as required under Section 33A (1) (i) is an offence punishable with imprisonment for two years or more. Even non-submission of the information comes within the definition of 'corrupt practice' under the provisions of the RP Act, 1951. Thus, the election of the returned candidate may be declared as void under the provisions of Section 100 (1) (b) read with (d) (ii) of the RP Act, 1951.

6. It is further averred that the filing false affidavit invokes penalty as prescribed under Section 125A. The petitioner has discovered after election result was announced that the returned candidate in his affidavit along with the nomination form has not disclosed complete facts and had suppressed and concealed, the material facts. Thus, acceptance of nomination papers, as aforestated, was bad.

7. The returned candidate has deliberately suppressed the material facts with regard to his properties including those of his spouse and children, which has adversely affected the fundamental and constitutional rights of the elector/voter. The returned candidate has further published and circulated certain leaflets/pamphlets against the caste and status of the petitioner that the petitioner was not an original resident of State of Chhattisgarh and comes from other State to mislead the voters. The expenses incurred by the returned candidate in publication of the pamphlets were not shown in the electoral expenses after he was declared as returned candidate. The said action of the returned candidate is violative of mandatory provisions and tantamounts to corrupt practice.

8. In response to the averments made in the election petition, the returned candidate submitted his return on 14-2-2007 raising preliminary objections about the maintainability of the election petition. The returned candidate seeks dismissal of the petition on further ground that the petitioner has not raised any ground to challenge the election of the returned candidate. The election petition is vague and does not disclose cause of action on the basis of specific allegations and, as such, lacks material facts and particulars of corrupt practice. The petitioner further does not disclose the name of the persons alleged to have indulged in corrupt practice nor have they been impleaded as party/respondent. Proper affidavit in support of corrupt practices as contemplated by Rule 94 of the Conduct of Elections Rules, 1961 (*for short "the Rules, 1961"*) has not been filed.,The requirement of filing of additional affidavit giving details of material facts have also not been complied with. The verification is not in accordance with the provisions of Section 83 of the RP Act, 1951. The returned candidate has not been served with the true copies of the election petition. The petitioner has neither annexed nor scheduled any document to the petition as required under the provision of law and on that ground also the petition deserves to be dismissed.

9. On the merit, the returned candidate submitted that the respondent No. 2 was not the Returning Officer for the Assembly election. The interpretation of Sections 33A & 33B is not just and proper. It is submitted by the returned candidate that for want of material facts it is not possible to submit the response and the same are specifically incorrect and denied. The returned candidate has not created ill-will against the petitioner or his prestige in the society. The returned condidate has not committed any corrupt practice.

10. Without considering the objection of the returned candidate, the issues on merit were framed. In the aforestated back ground, the question "asto if the issues on merit have been framed,whether the preliminary objection of the respondent No. 1 on maintainability of the election petition may be decided", arises for consideration.

11. It is useful to refer the relevant provisions of the RP Act, 1951 for proper adjudication of the dispute.

12. Section 81 of the RP Act, 1951 provides for presentation of petitions stating therein that election may be presented on one or more of the grounds specified in sub-section (1) of Section 100 and Section 101 to the High Court by any candidate at such election or any elector within forty-five days from the date of election, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and dates of their election are different, the later of those two dates

"81. **Presentation of Petitions-**

(1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of Section 100 and Section 101 to the High Court by any candidate at such election or any elector within forty-five days from, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and dates of their election are different, the later of those two dates.

Explanation.- In this sub-section, "elector" means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) [Omitted]

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

82. **Parties of the petition.—** A petitioner shall join as respondents to his petition-

(a) where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates ; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

83. **Contents of petition.—**

(1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies ;

(b) shall set forth full particualrs of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice ; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings :

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the praticulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

86. **Trial of election petitions.—**

(1) The High Court shall dismiss an election petition which does not comply with the provisions of Section 81 or Section 82 or Section 117.

Explanation.- An order of the High Court dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of Section 98.

(2) As soon as may be after an election petition has been presented to the High Court, it shall be referred to the Judge or one of the judges who has or have been assigned by the Chief Justice for the trial of election petitions under sub- section (2) of Section 80-A.

(3) Where more election petitions than one are presented to the High Court in respect of the same election, all of them shall be referred for trial to the same judge who may, in his discretion, try them separately or in one or more groups.

(4) Any candidate not already a respondent shall, upon application made by him to the High Court within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the High Court, be entitled to be joined as a respondent.

Explanation.- For the purposes of this sub-section and of Section 97, the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the High Court and answer the claim or claims made in the petition.

(5) The High Court may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective tiral of the petition, but shall not allow any amendment of the petition which will have the effect of introducting particuairs of a corrupt practice not previously alleged in the petition.

(6). The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the High Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(7) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial.

87. Procedure before the High Court.—

(1) Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the High Court, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to the trial of suits :

Provided that the High Court shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872 (1 of 1872), shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.

100. Grounds for declaring election to be void.-

(1) Subject to the provisions of sub-section (2) if the High Court is of opinion-

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or this Act or the Government of Union Territories Act, 1963 (20 of 1963) ; or

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent ; or

(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected-

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or,

(iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act, the High Court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the High Court, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the High Court is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;

(b) [Omitted] ;

(c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election ; and

(d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the High Court may decide that the election of the returned candidate is not void.

13. Sub-section (3) of Section 81 prescribes that every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

14. Section 82 deals with the parties to the petition. Clause (b) of Section 82 provides that any other candidate against whom allegations of any corrupt practice are made in the petition shall be joined as respondent to the petition.

15. Section 83 (1) deals with the contents of the petition. The election petition shall (i) contain concise statement of the material facts on which the petitioner relies ; (ii) set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice ; and (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (for short "the CPC") for the verification of pleadings.

16. Proviso to Section, 83 further prescribes that in case of allegation of corrupt practice the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. Sub-section (2) of Section 83 clearly provides that any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner.

17. It is pertinent to mention here that no documents filed along with the petition have been annexed or scheduled to the petition as required under the provisions of sub-section (2) of Section 83.

18. Sub-section (1) of Section 86 prescribes that the election petition shall be dismissed, if the same does not comply with the provisions of Section 81 or Section 82 or Section 117. It was further explained that an order of dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of Section 98. There is no prescription that the High Court should take decision, at the earliest, for dismissal of election petition before framing the issues for non-compliance of the provisions of the RP Act, 1951. Thus, the election tribunal can consider preliminary objection with regard to maintainability of the petition at any stage even after framing the issues, on merit.

19. In Shri Udhav Singh v. Madhav Rao Scindia[1], the Supreme Court observed as under :

"42. All the primary facts which must be proved at the trial by a party to establish the existence of a cause of action or his defence, are "material facts". In the context of a charge of corrupt practice, "material facts" would mean all the basic facts constituting the ingredients of the particular corrupt practice allegd, which the petitioner is bound to substantiate before he can succeed on that charge. Whether in an election petition, a particular fact is material or not, and as such required to be pleaded is a question which depends on the nature of the charge levelled, the ground relied upon and the special circumstances of the case. In short, all those facts which are essential to clothe the petitioner with a complete cause of action, are "material facts" which must be pleaded, and failure to plead even a single material fact amounts to disobedience of the mandate of Section 83 (1) (a).

43. "Particulars", on the other hand, are "the details of the case set up by the party". "Material particulars" within the contemplation of clause (b) of Section 83 (1) would therefore mean all the details which are necessary to amplify, refine and embellish the material facts already pleaded in the petition in compliance with the requirements of clause (a). "Particulars" serve the purpose of finishing touches to the basic contours of a picture already drawn, to make it full, more detailed and more informative."

20. The Supreme Court in Jeet Mohinder Singh v. Harminder Singh Jassi[2], has considered the issue of law in detail and laid down well settled legal principles in the field of election jurisprudence as under :

"40. ... (i) The success of a candidate who has won at an election should not be lightly interfered with. Any petition seeking such interference must strictly conform to the requirements of the law. Though the purity of the election process has to be safeguarded and the court shall be vigilant to see that people do not get elected by flagrant breaches of law or by committing corrupt practices, the setting aside of an election involves serious consequences not only for the returned candidate and the constituency, but also for the public at large inasmuch as re-election involves an enormous load on the public funds and administration. (See Jagan Nath v. Jaswant Singh, Gajanan Krishnaji Bapat v. Dattaji Raghobaji Meghe.)

(ii) Charge of corrupt practice is quasi-criminal in character. If substantiated it leads not only to the setting aside of the election of the successful candidate, but also of his being disqualified to contest an election for a certain period. It may entail extinction of a person's public life and political career. A trial of an election petition though within the realm of civil law is akin to trial on a criminal charge. Two consequences follow. Firstly, the allegations relating to commission of a corrupt practice should be sufficiently clear and stated precisely so as to afford the person charged a full opportunity of meeting the same. Secondly, the charges when put to issue should be proved by clear, cogent and credible evidence. To prove charge of corrupt practice a mere preponderance of probabilities would not be enough. There would be a presumption of innocence available to the person charged. The charge shall have to be proved to the hilt, the standard of proof being the same as in a criminal trial. (See Quamarul Islam v. S. K. Kanta, F. A. Sapa v. Singora, Manohar Joshi v. Damodar Tatyaba and Ram Singh v. Co. Ram Singh.)

(iii) The appellate court attaches great value to the opinion formed by the trial Judge more so when the trial Judge recording findings of fact is the same who had recorded the evidence. The appellate court shall remember that the jurisdiction to try an election petition has been vested in a Judge of the High Court. Secondly, the trial Judge may have had the benefit of watching the demeanour of witnesses and forming first-hand opinion of them in the process of evaluation of evidence. The Supreme Court may reassess the evidence and come to its own conclusions on feeling satisfied that in recording findings of fact the High Court has disregarded settled principles governing the approach to evidence or committed grave or palpable errors. (See Gajanan Krishnaji Bapat v. Dattaji Raghobaji Meghe and Kripa Shankar Chatterji v. Gurudas Chatterjee.)

[1] (1977) 1 S C C 511
[2] (1999) 9 S C C 386

(iv) Section 83 of the Act requires every election petition to contain a concise statement of the material facts on which the appellant relies. If the election petition alleges commission of corrupt practice at the election, the election petition shall set forth full particulars of any corrupt practice including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice. Every election petition must be signed and verified by the appellant in the manner laid down for the verification of pleadings in CPC. An election petition alleging corrupt practice is required to be accompanied by an affidavit in Form 25 read with Rule 94-A of the Conduct of Elections Rules, 1961. Form 25 contemplates the various particulars as to the corrupt practices mentioned in the election petition being verified by the appellant separately under two headings : (i) which of such statements including particulars are true to the appellant's own knowledge, and (ii) which of the statements including the particulars are true to information of the appellant. It has been held in Gajanan Krishnaji Bapat case that the election petitioner is also obliged to disclose his source of information in respect of the commission of the corrupt practice so as to bind him to the charge levelled by him and to prevent any fishing or roving enquiry, also to prevent the returned candidate from being taken by surprise.

"45. ... Here itself, we may observe that material facts and particulars as to commission of corrupt practice are required to be given in the election petition and not in the replication filed much after the expiry of the period of limitation for filing election petition. The material facts and particulars alleged for the first time in the replication and not forming part of the averments made in the election petition cannot be tried and cannot be made the subject matter of issues framed by the court. The learned Designated Election Judge has taken care to frame the issues only by reference to the averments made in the election petition and not by referring to the averments made for the first time in the replication. Firstly, the respondent does not have an opportunity of denying the averments-whether facts or particulars, introduced for the first time in replication. Secondly, as already stated material facts and particulars as to corrupt practice are required to be supported by an affidavit in the prescribed proforma. The replication is not supported by any affidavit in the prescribed proforma."

21. In Santosh Yadav v. Narender Singh [3], the Supreme Court observed as under :

"15. A word about the pleadings. Section 83 of the Act mandates an election petition to contain a concise statement of the material facts on which the petitioner relies. The rule of pleadings enable a civil disput being adjudicated upon by a fair trial and reaching a just decision. A civil trial, more so when it relates to an election dispute, where the fate not only of the parties arrayed before the Court but also of the entire constituency is at a stake, the game has to be played with open cards and not like a game of chess or hide and seek. An election petition must set out all material facts wherefrom inferences vital to the success of the election petitioner and enabling the Court to grant the relief prayed for by the petitioner can be drawn subject to the averments being substantiated by cogent evidence. Concise and specific pleadings settings setting out all relevant material facts, and then cogent affirmative evidence being adduced in support of such averments, are indispensable to the success of an election petition. An election petition, if allowed, results in avoiding an election and nullifying the success of a returned candidate. It is a serious remedy. Therefore, an election petition seeking relief on a ground under section 100 (1) (d) of the Act, must precisely allege all material facts on which the petitioner relies in support of the plea that the result of the election has been materially affected. Unfortunately in the present case all such material facts and circumstances are conspicuous by their absence."

22. Yet again, in Virender Nath Gautam v. Satpal Singh and Others [4], the Supreme Court observed as under :

"29. From the relevant provisions of the Act reproduced hereinabove, it is clear that an election petition must contain a concise statement of "material facts" on which the petitioner relies. It should also contain "full particulars" of any corrupt practice that the petitioner alleges including a full statement of names of the parties alleged to have committed such corrupt practice and the date and place of commission of such practice. Such election petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (hereinafter referred to as "the code") for the verification of pleadings. It should be accompanied by an affidavit in the prescribed form in support of allegation of such practice and particulars thereof.

[3] A I R 2002 S C 241
[4] (2007) 3 S C C 617

30. All material facts, therefore, in accordance with the provisions of the Act, have to be set out in the election petition. If the material facts are not stated in a petition, it is liable to be dismissed on that ground as the case would be covered by clause (a) of sub-section (1) of Section 83 of the Act read with clause (a) of Rule 11 of order 7 of the Code.

31. The expression "material facts" has neither been defined in the Act nor in the Code. According to the dictionary meaning, "material" means "fundamental", "vital", "basic", "cardinal", "central", "crucial", "decisive", "essential", "pivotal", "indispensable", "elementary", or "primary". [Burton's legal Thesaurus (3rd Edn.), p. 349]. The phrase "material facts", therefore, may be said to be those facts upon which a party relies for his claim or defence. In other words, "material facts" are facts upon which the plaintiff's cause of action or the defendant's defence depends. What particulars could be said to be "material facts" would depend upon the facts of each case and no rule of universal application can be laid down. It is, however, absolutely essential that all basic and primary facts which must be proved at the trial by the party to establish the existence of a cause of action or defence are material facts and must be stated in the pleading by the party.

32. In the leading case of Philipps v. Philipps, Cotton, L. J. stated :
"What particulars are to be stated must depend on the facts of each case. But in my opinion it is absolutely essential that the pleading, not to be embarrassing to the defendants, should state those facts which will put the defendants on their guard and tell them what they have to meet when the case comes on for trial."

33. In Bruce v. Odhams Press Ltd., Scott, L. J. referring to Philipps v. Philipps I observed : (All ER p. 294) "The cardinal provision in Rule 4 is that the statement of claim must state the material facts. The word "material" means necessary for the purpose of formulating a complete cause of action ; and if any one "material" statement is omitted, the statement of claim is bad ; it is 'demurrable' in the old phraseology, and in the new is liable to be 'struck out' under RSC Order 25 Rule 4 (see Philipps v. Philipps) ; or 'a further and better statement of claim' may be ordered under Rule 7."

34. A distinction between "material facts" and "particulars", however, must not be over looked. "material facts" are primary or basic facts which must be pleaded by the plaintiff or by the defendant in support of the case set up by him either to prove his cause of action or defence. "Particulars", on the other hand, are details in support of material facts pleaded by the party. They amplify, refine and embellish material facts by giving distinctive touch to the basic contours of a picture already drawn so as to make it full, more clear and more informative. "Particulars" thus ensure conduct of fair trial and would not take the opposite party by surprise.

35. All "material facts" must be pleaded by the party in support of the case set up by him. Since the object and purpose is to enable the opposite party to know the case he has to meet with, in the absence of pleading, a party cannot be allowed to lead evidence. Failure to state even a single material fact, hence, will entail dismissal of the suit or petition. Particulars, on the other hand, are the details of the case which is in the nature of evidence a party would be leading at the time of trial.

36. In Halsbury's Laws of England (4th Edn.), Vol. 36, para 38, it has been stated :

"38. The function of particulars is to carry into operation the overriding principle that the litigation between the parties, and particularly the trial, should be conducted fairly, openly and without suprises, and incidentally to reduce costs. This function has been variously stated, namely, either to limit the generality of the allegations in the pleadings, or to define the issues which have to be tried and for which discovery is required. Each party is entitled to know the case that is intended to be made against him at the trial, and to have such particulars of his opponent's case as will prevent him from being taken by surprise. Particulars enable the other party to decide what evidence he ought to be prepared with and to prepare for the trial. A party is bound by the facts included in the particulars, and he may not rely on any other facts at the trial without obtaining the leave of the court."

23. The Supreme Court in Pepole's Union for Civil Liberties (PUCL) and Another v. Union of India and Another[5] observed as under :

79. In the result, Section 33-B of the Amended Act is held to be illegal, null and viod. However, this judgment would not have any retrospective effect but would be prospective. Writ petitions stand disposed of accordingly.

24. In People's Union for Civil Liberties (PUCL) (supra) held the provisions of Section 33B of the RP Act, 1951, to be illegal, null and void with prospective effect, on 13-3-2003. The above-stated view of Hon.ble Shri Shah, J. has been concurred by Hon'ble Shri P. Venkatarama Reddi, J., in a Bench of three Judges. Thus, the returned candidate was not required to comply with the provisions of Section 33B of the RP Act, 1951

25. In Govind Singh v. Harchand Kaur[6], the Supreme Court observed as under :

"44. Dealing with this preliminary question as to whether the election petition filed by the respondent was fit to be dismissed on the ground of the lack of "material facts" with "material particulars", we are fully conscious of the well-settled legal position to the effect that if the election petition fails to disclose any cause of action and there is non- compliance with the mandatory requirements of Section 83 of the Representation of the People Act, 1951 which requires that the election petition should contain material facts on which the petitioner relies, it should set forth full particualrs of any corrupt practice including full statement of the names of the parties which is alleged to have been committed along with the specific date and place of the commission of such corrupt practice. But it would also be equally appropriate to bear in mind that although the expression "material facts" has neither been defined in the 1951 Act nor in the Code of Civil Procedure, it has been understood by the courts in general terms to mean the entire bundle of facts which would constitute a complete cause of action. Their Lordships of the Supreme Court in Ram Sukh at SCC p. 548 have observed thus : (SCC para 13)

"13. ... 'materisal facts' are facts upon which the plaintiff's cause of action or the definedant's defence depends. ... Broadly speaking, all primary or basic facts which are necessary either to prove the cause of action by the plaintiff or defence by the defendant are 'matreial facts'. Material facts are facts which, if established, would give the petitioner the relief prayed for. But again, what could be said to be material facts would depend upon the facts of each case and no rule of universal application can be laid down."

This authority has also taken note of the ratio of the decision in Samant N. Balkrishna v. George Fernandez wherein the three-Judge Bench headed by the then Chief Justice M. Hidayatullah laid down five criteria which are mandatory under Section 83 of the Act for determination as to whether the election petition discloses that it does not lack in material facts and particulars. It was laid down therein that it is mandatory to first of all record a concise statement of material facts and then the fullest possible particulars. Any omission of even a single material fact leads to an incomplete cause of action and statement of claim would be treated as bad. The function of particulars is to present in full, a picture of the cause of action and to make the opposite party understand the case he will have to meet. The learned Judges further held therein that the "material facts" and "material particulars" are distinct matters and while the material facts will mention statements of fact, the particulars will set out the names of persons with date, time and place while stating the material facts as it will not be sufficient merely to quote the words of the section since the efficacy of the material facts in that event would be lost."

26. The principle of law as enunciated by the Supreme Court in the abovestated decisions as well as in other decisions make it clear that the 'material facts' are facts upon which the plaintiff's cause of action or the defendant's defence depends.

[5] (2003) 4 SCC 399
[6] (2011) 2 SCC 621

27. Section 83 of the RP Act, 1951 requiers that the election petition shall contain concise statement of the material facts on which the petitioner relies. If there is an allegation of corrupt practice, the petitioner must set forth full particualrs of any corrupt practice that the petitioner alleges, including as full a statement as possible, of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice.

28. It is further a trite law that the election petitioner is obliged to disclose his source of information in respect of the commission of the corrupt practice so asto bind him to the charge leveled by him and to prevent any fishing or roving enquiry, also to prevent the returned candidate from being taken by surprise.

29. In the case on hand, the election petitioner has not given any fact except certain statements were pleaded to the effect that the returned candidate has not disclosed all the facts in the affidavit, as required under the provisions of Section 33B of the RP Act, 1951, without giving details also what was shown in the affidavit and what has not been shown in the affidavit. In respect of circulation of leaflets/ pamphlets, no materials asto who circulated and what was the contents of the material, what was the date and source of information about the curculation of alleged leaflests/ pamphlets. The petitioner has further not specified the names of the persons who have allegedly got the said leaflets/pamphlets and distributed on what date at what place. The petition does not disclose the fact asto what was the expenditure shown in the statement of accounts by the returned candidate. After the election or further what was the amount of the alleged leaflets/pamphlets, which was also not shown in the pleadings. Thus, the election petition lacks material facts, as required under the provisions of Section 83 of the RP Act, 1951.

30. The Superme Court in Ram Sukh v. Dinesh Aggarwal [7], held that the requirement of disclosure of 'materials facts' and 'full particulars' as stipulated in the Section 83 of the RP Act, 1951 is mandatory. Thus, for want of non-compliance of the provisions of Section 83, the election petition is liable to be rejected. Paras 10 & 14 of the said decision read as under :

"10. Section 83, the pivotal provision for the present case, requires that : (a) the election petition must contain a concise statement of "material facts" on which the petitioner relies and (b) he should also set forth "full particulars" of any corrupt practices which the petitioner alleges. Proviso to clause (c) of sub-section (1) of Section 83 also provides that where the petitioner alleges any corrupt practic, the election petition shall also be accompained by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. It is plain that the requirement of disclosure of "material facts" and "full particulars" as stipulated in the section is mandatory.

14. The requirement in an election petition as to the statement of material facts and the consequences of lack of such disclosure with reference to Sections 81, 83 and 86 of the Act came up for consideration before a three-Judge Bench of this Court in Samant N. Balkrishna v. George Ferandez. Speaking for the three-Judge Bench, M. Hidayatullah, C. J. inter alia, laid down that :

(i) Section 83 of the Act is mandatory and requires first a concise statement of material facts and then the fullest possible particulars ;

(ii) omission of even a single material fact leads to an incomplete cause of action and statement of claim becomes bad ;

(iii) The function of particulars is to present in full a picture of the cause of action and to make the opposite party understand the case he will have to meet ;

(iv) material facts and particulars are distinct matters-material facts will mention statements of fact and particulars will set out the names of persons with date, time and place ; and

(v) in stating the material facts it will not do merely to quote the words of the section because then the efficacy of the material facts will be lost."

[7] (2009) 10 SCC 541

31. In the entire pleadings, it is nowhere mentioned that the documents filed along with the petition are annexed or scheduled to the petition. Thus, the petition does not comply with the provisions of sub- section (2) of Section 83, also. Even there is no averment in the pleadings that the petitioner is filing a list of documents, which may be treated as schedule or annexure i. e. a part of the petition.

32. For dismissal of the petition, it is not necessary to file a separate application under Order 7 Rule 11 of the CPC. The petition may be examined at the instance of the returned candidate or other respondents as to whether the petition complies with the provisions, as enshrined under Sections 81, 82 & 83 of the RP Act, 1951, as observed earlier that compliance of the abovestated provisions have been held as mandatory.

33. The additional affidavit, which is required to be filed under proviso to sub-section (1) of Section 83 in respect of the allegation of corrupt practice, though has been filed in the case, but not in the form as required under the Rules, 1961. The prescribed form is provided under Rule 94 A of the Rules, 1961 i. e. form 25. In form 25 the petitioner has to affirm all the particulars containing particualrs of such corrupt practice and also paragraphs of the schedule annexed thereto are true to the knowledge of the petitioner are true to information. The affidavit provides for verifications of schedule annexures without mentioning schedule annexed to the election petition. Thus, it may not be held as proper affidavit.

34. The issues on merit were framed subject to consideration of preliminary objection of the returned candidate with regard to maintainability of the election petition. Thus, the examination or cross-examination only in relation to the documents, which were neither scheduled as annexures nor was a part of pleadings, as per the averments made by the petitioner, were also done. Even certain documents were produced during the course of examination of the returned candidate.

35. Applying the well settled principles of law to the facts of the present case and in view of the finding recorded hereinabove, the election petition is not maintainable, as the mandatory provisions of Section 83 of the RP Act, 1951 have not been complied with, thus, it is not necessary to go into the merits of the case.

36. In Santosh Yadav (supra), the Supreme Court observed as under :

"8. It is well settled by a catena of decisions that the success of a winning candidate at an election should not be lightly interfered with. This is all the more so when the election of a successful candidate is sought to be set aside for no fault of his but of someone else. That is why the scheme of section 100 of the Act, especially clause (d) of sub-section (1) thereof clearly prescribes that in spite of the availability of grounds contemplated by sub-clauses (i) to (iv) of clause (d), the election of a returned candidate shall not be avoided unless and until it was proved that the result of the election in so far as it concerns a return candidate, was materially affected."

37. For the analysis and the reasons as aforestated, the election petition is dismissed, as not maintainable.

38. There shall be no order as to costs.

Sd/-

Satish K. Agnihotri
Election Judge